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# A Glossary of Terms Passed upon in American Trade Mark Cases

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A GLOSSARY OF TERMS  
PASSED UPON IN AMERICAN TRADE MARK CASES

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T H E S I S  
  
PRESENTED FOR THE DEGREE OF  
  
BACHELOR OF LAW

-BY-

HELEN MAE COLEGROVE

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C O R N E L L   U N I V E R S I T Y  
S C H O O L   O F   L A W

1896



## INTRODUCTION

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In compiling this list of trade marks and trade names that have been directly passed upon in American Courts, my principal object has been to arrange them in a convenient form for reference. Coddington, in his digest of trade marks, includes a trade mark table in which he has grouped the marks according to their significance, for example : Fancy Names and Devices, Geographical Names, Descriptive Names, and the like, but it has seemed to me the alphabetical list is the most convenient for practical use.

Trade marks proper appear to have been in use in England in the reign of Elizabeth, according to the Encyclopedia Britanica, which says : "The first reported case was in 1783 when Lord Mansfield decided that the sale by the defendants of a certain medicine under the name or mark of the plaintiff, was a fraud. By other decisions it was affirmed that use of another's trade mark was actionable even without intent to defraud".

Chambers asserts that water marks on paper, dating from the 14th century are among the oldest trade marks. Whenever the first mark was devised and whatever may have been its arrangement, today trade marks are ever on the increase and litigation over the same is fast becoming one

of the great fields for the practitioner.

"One of the most important requisites of a valid trade mark is that it shall either by itself or by association, point distinctively to the origin or ownership of the article to which it is applied. By its individuality it must associate the merchandise with the producer or the place of production so that the purchaser may know that all articles bearing the same mark are genuine and of the same quality and from the same source." This statement is found in the American Cyclopaedia and it is reiterated again and again in the decisions of the courts. As the court said in a case in 8 Daly's Reports, 1. "A trade mark may consist in a name or in a symbol or device used to indicate the nature, quality or identity of an article that any one is at liberty to fabricate, compound or vend, or which originated with, or the exclusive right to manufacture or vend which, is under the protection of a patent, or otherwise in the person or proprietor by whom the trade mark is devised." For the purpose of discussion I shall divide trade marks into the following classes.

- (1) Fancy names and devices. (2) Descriptive names.
- (3) Geographical names. (4) Names of Hotels, Vehicles, etc
- (5) Firm names.

In order to maintain an action on a trade mark, the property in the mark must be in the plaintiff. "Property

in a trade mark may be obtained by transfer from him who has made the primary acquisition, though it is essential that the transferee should be possessed of the right either to manufacture or sell the merchandise to which the trade mark has been attached. And it may also pass by operation of law, to any one who at the same time takes that right." From 45 N. Y. 302.

Where there is a property right in the plaintiff to a fancy name or device and there is no fraud on his part in the use of the same he will be protected against infringements. One of the leading cases on this subject is that of *Burnett v. Phalon* 3 Keyes (N. Y.) 594, when plaintiff's mark was "Cocoaine" and defendants used the word "Cocoïne." It was held to be a *clear* infringement. The court said, "Every man has a right to the reward of his skill, his energy and his honest enterprise, and when he has appropriated as his trade mark, letters combined into a word before unknown and has long published it to the world as his adopted trade mark, he has acquired rights in it which the courts will protect."

Words that are merely descriptive of the article on which they are used cannot be exclusively appropriated. They are common property and any one has a right to the use of them. For example, no one person could have the exclusive right to use the words "Washing Powder" which

are clearly descriptive of the article manufactured. In *Phalon & Son vs. Wright*. 5 Phila. 464. The court says : "A word which is the name of the article or indicates its quality cannot be appropriated as a trade mark. Every one has the right to manufacture the same article and to call it by its name or descriptive character."

When geographical names have been continuously used to designate an article made at the place of the same name and the article so named has become well known as that of plaintiff he will be entitled to protection against others who use the same name with the intention of passing their goods on the public as the goods of plaintiff. By long and continued use in a particular way of a geographical name a person may acquire a property in the name.

"Where words or names are in common use no one person can claim a special appropriation of them to his peculiar use ; but where words and the allocation of words have, by long use, become known as designating the article of a particular manufacturer, he acquires a right to them as a trade mark which competing dealers cannot fraudulently invade. As a general rule geographical names cannot be appropriated as trade marks but the rule has its exception when the intention in the adoption of the descriptive word is not so much to indicate the place of manufacture as to intrench upon the previous use and popularity of another's trade mark." From

a case in 46 How. Pr. 157 where the word passed upon was "Worcestershire."

Names of hotels and vehicles are invariably protected where the property right is in the plaintiff but where business signs are merely descriptive of the establishment they will not be protected.

Firm names and good will, will be protected when infringed. On the dissolution of a firm if the business is not continued by any of the members, the firm name and good will of the business can be sold and must be if any of the partners insist on such sale.

As to numerals the general rule is thus laid down in a case in 129 Mass. 325. "Numerals arbitrarily chosen and used on goods in combination with other devices to denote the origin of the goods, and not their quality, are a valid trade mark and a person who uses them in combination with other devices which he has a right to use, may be restrained by a bill in equity from so using them if he does so for the purpose of imitating the trade mark, and his use is calculated to deceive persons buying his goods."

Alleged trade marks are not protected where there are misrepresentations. For example when a material is made in America and plaintiff advertises it as of foreign make he cannot have the trade mark on such an article protected against infringement. Quack medicines will not be



protected by a court of equity on the same ground of misrepresentation and fraud.

Where one has contracted away his right to use his own name in a particular way, we find he can be enjoined from so using it and no person can use his name on goods similar to another's when there is shown to be an intention that his goods be taken by the public to be those of that other.

It is to be seen from a review of the cases on trade marks that to maintain a bill for infringement the complainant must have a property right in the marks, which must be one capable of exclusive appropriation, and he must be free from misrepresentation or an intent to deceive.





Acid Phosphate :

Injunction to restrain defendants from using the words, refused on the ground that they were descriptive of the article and defendants made use of no deceptive imitation.

Rumford Chemical Works vs. Muth, 35 Fed. 524.

The Acorn Parlor Match :

Held a valid trade mark and decree of injunction entered against the defendants.

Puerrung Bros. & Co. vs. Compton Ault & Co.,  
6 Ohio Cir. Ct. Rep. 483.

Adams' Sappota Tolu :

Not infringed by Heisel's Elastic Tolu.

Adams vs. Heisel, 31 Fed, 279.

A. G. :

Defendants enjoined from using the monogram which complainants had acquired as a trade mark by purchase from the receiver of the original owner.

Godillot vs. American Grocery Co., 71 Fed. 873.

A Golsh's Friction Matches :

Injunction to restrain the sale of matches labeled "Menck & Backus' Friction Matches, late Chemist to A. Golsh," dissolved on the grounds  
1. that ordinary purchasers would not be deceived; 2. that plaintiff was disentitled by reason of his continuing to use the name of Golsh after the latter had ceased to be connected with the business.

Partridge vs. Menck, 2 Sandf. Ch. 622.

The Akron Dental Rubber :

Injunction granted to prevent the use of the words by the defendant.

Keller vs. The B.F. Goodrich Co., 117 Ind. 556.

### Allcock's India Rubber Porous Plasters :

Not infringed by "Benson's Porous Plasters",  
 "Benson's Capcine Porous Plasters" or "Benson's  
 Plasters".  
 The Porous Plaster Co. vs. Seabury, 16 N.Y.S.R.  
 35.

### Alderney :

Injunction granted to restrain the defendant  
 from using the word, in any way, in connection  
 with the manufacture and sale of oleomargarine.  
 Lauferty vs. Wheeler, 63 How. Pr. 488.

### American :

Held ~~the~~ plaintiff was not entitled to relief  
 to restrain the defendants' use of the word  
 "American" on its signs. But the defendant  
 was enjoined from using signs in colorable  
 imitations of plaintiff's.  
 The American Brewing Co. vs. The St. Louis  
 Brewing Co., 47 Mo. App. 14.

### The American Grocer :

Not infringed by defendants printing a paper  
 and using the same name, on the ground that  
 there was not such similarity between the  
 papers as to justify the court in deciding in  
 plaintiffs' favor.  
 American Grocer Pub. Ass'n vs. Grocer Pub. Co.,  
 51 How. Pr. 402.

### American Grocer :

Held the plaintiff was entitled to an injunc-  
 tion restraining defendants from the publica-  
 tion of any paper called "The Grocer" or the  
 "American Grocer", as it acquired a proprietary  
 right in that name.  
 American Grocer Pub. Ass'n vs. The Grocer Pub.  
 Co. 25 Hun. 398, reversing 51 How. Pr. 402.

### A. M. Hoxie's Mineral Soap :

Defendant enjoined from using the name after he  
 had transferred his right to the trade mark to  
 plaintiffs.  
 Chaney et al vs. Hoxie, 143 Mass. 592.

Amoskeag ; A. M. Co.; A. M. C.:

Held that defendant infringed the plaintiffs' corporate name by using the same.  
The Amoskeag Mnf.Co. vs. Garner, 54 How.Pr.297.

Amoskeag :

Plaintiffs were manufacturers and had the word placed on their cloths. The defendants, who were printers, placed the same word on their printed cloths. Injunction dissolved on the ground that the two trades were distinct and also the classes of good produced.  
The Amoskeag Mfg.Co. vs. Garner, 55 Barb. 151.

Anchor :

Held the plaintiff was not entitled to equitable relief, consequently an injunction will not issue against the defendants for their use of the word anchor.  
Richter vs. Anchor Remedy Co., 52 Fed. 455.  
Affirmed in 59 Fed. 577.

Angostura Bitters :

Held that complainants in consequence of misrepresentations contained in their label were not entitled to relief.  
Siegert vs. Abbott, 61 Md. 276.

Angostura Bitters :

Held the plaintiffs had no trade mark nor any exclusive right to use the words.  
Siegert vs. Abbott, 72 Hun. 243.

The Antiquarian Book Store :

Injunction to restrain defendant from styling his establishment The Antiquarian Book and Variety Store, refused.  
Choynski vs. Cohen, 39 Cal. 501.

Anti-Washboard Soap :

Held to be a good trade mark but that plaintiff never acquired an exclusive right to the use of the words "Anti-washboard" and his bill was dismissed.  
O'Rourke vs. Central City Soap Co., 26 Fed. 576.

Apollinaris :

Injunction granted to restrain defendant. from using the word in connection with the sale of water compounded by him.

The Apollinaris Co. Ltd. vs. Moore, Cox Manual No. 675.

Apollinaris :

Preliminary injunction granted to restrain the defendants from using the word "Apollinis".

Action- Gesellschaft Apollinaris Brunnen vs. Somborn, 14 Blatch. 380.

Aramingo Mills :

Injunction refused on the ground that defendant's manner of using the words was so different from that of plaintiff's that deception was not to be anticipated.

Colladay vs. Baird, 4 Phila. 139.

Atwood's Genuine Physical Jaundice Bitters, Georgetown, Mass.

Held that plaintiffs had no exclusive right to sell the medicine or use the trade mark, nor any right to do so in Maine. Injunction refused.

The Manhattan Medicine Co. vs. Wood, 108 U.S. 218

Avery Plow :

Injunction granted to restrain the defendants from imitating plaintiffs' plow and deceiving and defrauding the public. The devices on, and shapes of the plows were the same.

Avery & Sons vs. Meikle & Co., 81 Ky. 73.

Judgment reversed in 85 Ky. 435 to enable commissioner to compute the damages suffered by the plaintiff, on a new trial.

A. W. Faber :

Motion to continue an injunction to restrain the defendant from using his name John H. Faber on pencils, refused on the ground that defendant was entitled to use his own name without fraud.

Faber vs. Faber, 49 Barb. 357.

Baeder's Flint Paper :

Preliminary injunction granted to restrain the defendants from selling their goods as those of plaintiff, and from using, stamping, etc. on any flint paper made by them the words "Baeder's Flint Paper" or any words resembling those adopted by plaintiffs.  
Baeder & Kern vs. Baeder et al, 52 Hun. 170.

The Balm of Thousand Flowers :

Not infringed by the label "The Balm of Ten Thousand Flowers", because both were designed to deceive the public and plaintiff has no greater right to a monopoly than has the defendant.  
Fetridge vs. Wells, 4 Abb.Pr. Rep. 144.  
Fetridge vs. Merchant, 4 Abb.Pr.Rep.186.

Benson's Capcine Plasters :

Motion for a preliminary injunction to restrain defendant from infringing plaintiffs' rights refused on the ground that plaintiffs were disentitled by their own false representations of the origin and value of their plasters, the word Capcine being shown to be quite unknown and to imply ~~no~~ such qualities as were described by plaintiffs.  
Seabury vs. Grosvenor, 53 How. Pr. 192.  
14 Blatch. 262.

Best Brewing Co. :

Injunction granted to restrain the defendant from using the words on labels and bottles.  
The United States vs. Roche, 1 McCrary, 385.

Best Six Cord. 200 yards :

Injunction refused on the ground that defendts' label does not amount to a representation that the thread is that of plaintiffs, and after the expiration of the patent the use of the embossed numbers became common to all.  
Coats vs. The Merrick Thread Co., 36 Fed, 324.

Bethesda Mineral Water :

Injunction granted to restrain defendants from using the name in connection with the water of their spring, and from issuing circulars or



trade cards, etc. representing their water to be Bethesda water.  
Dunbar vs. Glenn, 42 Wis. 118.

**Bismark :**

Injunction sustained to restrain defendant from selling the same article (paper collars), bearing the same name.  
Messerole vs. Tynberg, 36 How. Pr. 14.

**Black Package Tea :**

Injunction granted to restrain defendant from using wrappers and putting up his tea in packages similar to plaintiff's tea, on the ground that persons are liable to be deceived by such imitation.  
Fischer vs. Blank, 46 N.Y.S.R. 101; aff'd 64 Hun. 635; Injunction modified 138 N.Y. 244.

**Blackstone :**

Held that plaintiffs failed to prove that they originated and first adopted the word as a trade mark, so the bill was dismissed.  
Levy vs. Waitt, 56 Fed. 1016; aff'd 61 Fed. 1008.

**Blizzard Soap :**

Held the name of soap and wrappers of plaintiff are not infringed by "Leader Soap" and wrappers of defendant.  
Brown vs. Doscher, 73 Hun. 107; aff'd 147 N.Y. 647.

**Blue Lick Water :**

Held that the name indicated the origin and ownership or place of the product and is one in the exclusive use of which plaintiffs should be protected.  
Parkland Hills Blue Lick Water Co. vs. Hawkins & Co., 95 Ky. 502.

**Boker's Bitters :**

Injunction granted to restrain defendants from using the name and infringing plaintiff's rights.  
Funke vs. Dreyfers & Co., 34 La. Ann. 80.

Booth's Theatre :

Motion for an injunction to restrain defendants from continuing to use the word "Booth" in connection with the theatre refused on the ground that plaintiff's name had become affixed to the establishment and did not imply that it was conducted by him.  
Booth vs. Jarrett, 52 How.Pr. 169.

Bovilene :

Infringed by "Bovina"; Injunction sustained.  
Lockwood vs. Bostwick, 2 Daly 521.

Bovina :

Held to be an infringement of Bovilene; Injunction to restrain such infringement sustained.  
Lockwood vs. Bostwick, 2 Daly, 521.

Bromidia :

Injunction granted to restrain the use of the name by defendant. Complainants have a right to and a property in the word as a trade mark.  
Battle & Co. vs. Finlay, 45 Fed. 796.

Bromo-Caffeine :

Held, a good trade mark.

67 Hun. 648. Reversed in 142 N.Y. 467.

Brooklyn White Lead Company :

Injunction granted to restrain defendant from the use of the word Company or Co. in "Brooklyn White Lead & Zinc Company" as being an unlawful imitation of plaintiff's corporate name.  
Brooklyn White Lead Co. vs. Masury, 25 Barb. 416.

Brown's Iron Bitters :

Injunction to restrain defendant from manufacturing and selling "Brown's Iron Tonic", refused on the ground that he had a right to use his own name and "Iron Bitters" are merely descriptive words.  
Brown Chemical Co. vs. Myer, 31 Fed. 453. Aff'd 139 U.S., 540.

Brown Windsor Soap :

Injunction granted to restrain defendant from using the trade mark.

Low et al vs. Fels, 35 Fed, 361.

B.T.Babbitt's Trade Mark--Best Soap :

The words "Trade Mark-- Best Soap" cannot be a valid trade mark and the name B.T.Butler's preceding them is not so similar to the name B.T.Babbitt's as to warrant an injunction being issued.

Babbitt vs. Brown et al, 68 Hun. 515.

Buck :

Injunction to restrain defendants from using the word "Buck" dissolved on the ground that plaintiffs never had an exclusive right to the word; "A trade mark cannot be assigned as a mere abstract right and independent of or disconnected from the business in which it is used."

McVeagh vs. Valencia Cigar Factory, Cir.Ct.of Cook Co., Ill., 1885; 32 Off. Gaz. 1124.

Bull's Cough Syrup :

Injunction granted to restrain defendant from using the words "Dr. B.L.Bull's Cough Syrup", or the words "Bull's" and "Cough Syrup" in any manner to cause the article to be known and sold as complainant's article.

Meyer vs. Dr. B.L.Bull Vegetable Medicine Co. 58 Fed. 884.

The Captain's Live and Let Live Oyster & Dining Saloon :

Injunction granted to restrain defendant from using the words "Live and let live" in "G.W. Chadsey & Co's Great Eastern Live and Let Live Dining Saloon".

Genin vs. Chadsey, reported in ~~the~~ newspaper as cited in 2 Brewster, 330.

Captain S. Pepper's Extra Signal Oil :

Injunction to restrain the use of the name and trade mark by defendants dissolved on the ground that on the dissolution of Ketcham & Company all the partners retained equal rights in the trade marks, etc.of the firm.

Weston vs.Ketcham,39 N.Y.Super. Ct. 54.

# Carlsbad Sprudel Salts :

Held, complainants' rights were infringed by the use by defendant of the name "Improved Effervescent Carlsbad Powder", it appearing that the salts were in no way derived from the Carlsbad waters.  
City of Carlsbad vs. Kutnow et al, 68 Fed. 794.  
Aff'd 71 Fed. 167.

# Carlsbad Salts ; Carlsbad Sprudel Salts :

Injunction granted to restrain defendants from using the name "Carlsbad" as the designation of their salts.  
City of Carlsbad vs. Thackeray, 57 Fed. 18.

# C. Benkert & Son :

Injunction granted to restrain defendants from farther infringement of plaintiff's trade mark by using the name.  
Benkert vs. Feder, 34 Fed. 534.

# C. B. & Son :

Held, a valid trade mark. Injunction granted to restrain defendant from using complainant's name and trade mark.  
Feder vs. Benkert, 70 Fed. 613.

# Celluloid :

Held, a valid trade mark but not infringed by defendant's use of it in connection with his starch as Celluloid starch.  
Celluloid Mfg. Co. vs. Read, 47 Fed. 712.

# Celluloid Mfg. Co. :

Injunction granted to restrain defendants from using "Cellonite Mfg. Co." which is held to be an infringement of plaintiffs' trade mark.  
Celluloid Mfg. Co. vs. Cellonite Mfg. Co., 32 Fed 94.

# Centennial :

Held that the word is general property and cannot be used for a trade mark.  
Hartell vs. Viney, 2 Wkly. Notes Cas. 602.  
Fed. Cases No. 6158.

## Champion :

Injunction granted to restrain defendant from using the name on flour in infringement of plaintiffs' right to the word as a trade mark. Atlantic Milling Co. vs. Rowland et al, 27 Fed. 24.

## Champion :

Injunction granted to restrain defendant from using the name on flour. Held to be an infringement of plaintiffs' rights. Atlantic Milling Co. vs. Robinson et al, 20 Fed. 217.

## Charley's Aunt :

Injunction to restrain defendants from producing a play called "Charley's Uncle", refused on the ground that there was not sufficient similarity in the names and posters to warrant it. Frohman vs. Miller, 8 Misc. 379.

## Charter Oak :

Injunction granted to restrain defendant from infringing plaintiff's rights notwithstanding only a portion of plaintiff's mark appeared on defendant's stoves. The words merely, not with the sprig of leaves, being appropriated by defendant. Filley vs. Fassett, 44 Mo. 173.

## Charter Oak :

Bill to restrain defendant from using the name on his stoves, dismissed on the ground that plaintiff had acquiesced for a long time in the manufacture and sale by defendant of the stoves and plaintiff's patent had expired on the improvements. Filley vs. Child, 16 Blatch. 376.

## Charity :

Motion for an injunction to restrain defendant from using the name in connection with a play refused on the ground that the use of a word of such general application could not be restrained in the absence of bad faith. Isaacs vs. Daly, 39 N.Y. Super. Ct. 511.

Chatterbox :

Preliminary injunction granted to restrain defendants from using the word "Chatterbook".  
Estes et al vs. Belford Clarke & Co., 30 Off. Gaz. 99.

Chatterbox :

Injunction granted to restrain defendants from publishing a book by the name "Chatterbox" the exclusive right being in plaintiffs.  
Estes et al vs. Williams et al, 21 Fed. 189.

Chatterbox :

Injunction granted pendente lite to restrain defendants from using the name "Chatterbook" as printed on the cover of their books.  
Estes et al vs. Leslie et al, 29 Fed. 91.

Chatterbox :

Injunction granted to restrain defendants from using the name in connection with the same method of selection and illustration of stories, form of binding and vignette.  
Estes et al vs. Leslie et al, 27 Fed. 22.

Chatterbox :

Injunction granted to restrain defendant from using the word, on the ground that the exclusive right is in plaintiffs.  
Estes et al vs. Worthington, 31 Fed. 154.

Cherry Pectoral :

Injunction to restrain defendants from using the words dissolved and held that defendant had only traded in competition with plaintiff and plaintiff could have no exclusive right in the words, since the first, described one of the ingredients and the other described the intended application of the compound, so that the whole term was common property and incapable of appropriation.  
Ayer vs. Frederick and Rushton, 7 Daly, 9.

Chestnut Grove :

Injunction granted to restrain defendants from using the words as a designation on whiskey. Wharton vs. Thurber, Cox Manual No. 663.

Chinese Liniment :

Injunction granted to restrain defendant from using labels or directions accompanying the liniment he sells or any words in them that tend to produce the impression that the liniment sold by him contains the same ingredients as that of plaintiff. Coffeen vs. Brunton, 4 McLean 516.

Christy's Minstrels :

Injunction granted to restrain defendants from performing under the name of which plaintiff was the original founder. Christy vs. Murphey, 12 How. Pr. 77.

Cigar Makers' Union Label :

The Court said "It may be conceded that the label is not what is generally understood by law writers to be a technical trade mark because it does not pretend or intimate that the cigars are owned, prepared, etc. by the Union as an organization." Judgment for the State reversed on the ground that it was not proved that defendant knew the label to be counterfeit. State vs. Bishop, 128 Mo. 373.

Cigar Makers' Union Label :

Held not a valid trade mark so not infringed by defendant. Werner vs. Brayton, 152 Mass. 101.

Cigar Makers' Union Label :

Held that defendant could not be enjoined from using the label as plaintiffs were not entitled to equity. McVey vs. Brendel, 144 Pa. St. 235.

Cigar Makers' Union Label :

Held not to be a legal trade mark. Cigar Makers' Protective Union vs. Conhaim, 40 Minn. 243.

## Cigar Makers' Union Label :

Judgment and conviction of defendant for infringing plaintiff's right by using the label affirmed..

People vs. Fisher, 50 Hun. 552.

## Clark :

Injunction granted to restrain defendant from using the word "Clark" or "Clark's" in connection with thread manufactured by the William Clark Company.

Clark Thread Co. vs. Armitage, 67 Fed. 896.

## Club House Gin :

Not infringed by "London Club House Gin" because the term "Club House" was generally understood to be indicative of a certain superior quality and not of plaintiff's manufacture.

Corwin vs. Daly, 7 Bosw. 222.

## Clysmic :

Injunction granted to restrain defendant from using the name in connection with water sold by him.

Hill vs. Lockwood, 42 Wis. 507.

## Clysmic :

Injunction granted to restrain defendant from shipping or selling any water from his spring as or under the name of "Clysmic Water" and from in any manner using the word.

Hill vs. Lockwood, 32 Fed. 389.

## Cocaine :

Infringed by the word "Cocaine" applied to a similar oil.

Burnett vs. Phalon, 9 Bosw. 193. 3 Keyes, 594.

## Coe's Superphosphate of Lime :

Andrew Coe's " " "

Infringed by plaintiff who had contracted not to use the name.

Coe vs. Bradley, 9 Off. Gaz. 541. Fed. Cases No. 2941.



Coe's Superphosphate of Lime :

Injunction granted to restrain defendant from selling an article under the same name as plaintiff's article.  
Bradley vs. Norton, 33 Conn. 157.

Collins & Co. :

Injunction granted to restrain defendant from manufacturing or selling shovels stamped "Collins & Co." on the ground that plaintiffs' rights were thereby infringed.  
The Collins Co. vs. Oliver Ames & Sons' Corporation, 18 Fed. 561.

Colored tin tags :

Defendant restrained from selling tobacco with tin tags in imitation of plaintiffs'.

Lorillard et al vs. Wight, 15 Fed. 383.

The Colton Dental Association :

Injunction granted to restrain defendant from using cards with the words "Dr. F.R. Thomas, late operator at the Colton Dental Rooms" and from representing his place of business to be the plaintiff's.  
Colton vs. Thomas, 7 Phila. 257. 2 Brews. 308.

Columbia :

Held that the word is popular and in common use for many purposes and plaintiffs' claim to the word in connection with flour barrels could not be sustained.  
Columbia Mill Co. vs. Alcorn, 40 Fed. 676.  
Aff'd 150 U.S. 460.

Compressed Yeast. . None genuine without our signature :

Held, the words cannot be the subject of a trade mark.  
Fleishmann vs. Newman, 16 N.Y. S.R. 794.

Compressed Yeast :

Held that defendants could not be restrained from using the words or manufacturing the article as such manufacture is open to all competitors.  
Fleishmann v. Newman, 21 N.Y.S.R. 790.

Congress Water, or Congress Spring Water :

Infringed by "High Rock Congress Water".  
Plaintiffs acquired by operation of law the exclusive right to use as its trade mark such words and symbols as had been used in the sale of such water by those through whom its title was derived.

The Congress & Empire Spring Co. vs. The High Rock Congress Spring Co., 57 Barb. 526. 45 N.Y., 291.

Conserves Alimentaires :

Injunction granted to restrain defendant from using the label or one resembling plaintiff's.  
Godillot vs. Harris, 81 N. Y., 263.

Conserves Alimentaires; A.C. Paris.Julienne :

Defendants sold similar articles under similar labels except that the monogram was changed to "F.G." Held that plaintiff had no exclusive right in the word "Julienne" per se; that word being descriptive of an article commonly made, but plaintiff was entitled to an injunction to restrain the use of his compound label by defendants.

Godillot vs. Hazzard, 49 How. Pr. 5. Aff'd 44 N. Y. Super. Ct. 427.

Consolidated Fruit Jar Company :

An injunction against defendants granted to restrain the use of a different monogram in the precise manner that had been practiced by complainants.

Consolidated Fruit Jar Co. vs. Thomas, Fed. Cases No. 3131.

Coral Baking Powder :

Injunction granted not to extend to the use of the words "Coral Baking Powder" but to their use in connection with cans and labels of the same general appearance as those of plaintiff.  
Royal Baking Powder Co. vs. Davis, 23 Fed. 203. 33 Off. Gaz. 1391.

Cottolene :

Held to be a valid trade mark and infringed by Cottoleo.

N.K.Fairbank Co. vs. Central Lard Co., 64 Fed. 133.

Cough Cherries :

Held, a valid trade mark. Injunction granted to restrain the use of the words by defendant. Stoughton vs. Woodard, 39 Fed. 902.

Cramp Cure :

Held that there could be no trade mark in the words, but that complainants' trade mark consisted in the design on their label. L.H.Harris Drug. Co. vs. Stucky, 46 Fed. 624.

Cream :

Injunction granted to restrain the use of the word by defendant in connection with baking powder. Price Baking Powder Co. vs. Fyfe, 45 Fed. 799.

Cresylic Ointment :

Held that plaintiffs have no exclusive right to the word "Cresylic" as it is descriptive of the ingredients of the article. Carbolic Soap Co. vs. Thompson & another, 25 Fed. 625.

Cross-Bar Tobacco :

Motion for an injunction to restrain defendants from using similar marks on tobacco, overruled. The Dansman & Drummond Tobacco Co. vs. Ruffner et al, 15 Off. Gaz. 559. 7 Fed. Cases No. 4.

Cutter Barrel :

A barrel of peculiar form, dimensions and capacity, irrespective of any marks or brands impressed upon it, cannot become a lawful trade mark. Moorman vs. Hoge, 2 Sawyer 78. Fed. Cases No. 9783.

Darlington with a cornucopia engraved on a butter stamp :

Held, infringed by defendants and injunction granted to restrain them from marking butter with the device of a cornucopia. Pratt's Appeal, 117 Pa. State, 401.

### The Decker Piano :

Motion by plaintiffs for an injunction to restrain defendants from using the name Decker on pianos of their make, refused on the ground that defendants could not be restrained from the use of their own names if no fraud appeared.

John J. Decker and another vs. Myron A. Decker and another, 52 How. Pr. 218.

### Deer River :

Held that although it was a geographical name defendant had so used it to imitate plaintiff's goods that the latter was entitled to an injunction.

Gibbie vs. Still, 82 Hun. 93.

### DeLong :

Defendant enjoined from in any way using in connection with placing upon the market or selling its goods the name of the "DeLong Hook & Eye Company".

DeLong vs. The DeLong Hook & Eye Co., 10 Misc. 577.

### The DeLong Hook & Eye :

Injunction granted to restrain defendant from using the name in connection with hooks and eyes.

DeLong vs. DeLong Hook & Eye Co., 89 Hun. 399.

### Democratic Republican New Era :

Not sufficiently like the name New Era to injure the same.

Bell vs. Locke, 8 Paige 75.

### Derringer, Philadelphia :

Held to be a valid trade mark even in California, although plaintiff was a Philadelphia pistol maker. "The right of property in a trade mark is not limited in its enjoyment by territorial bounds".

Derringer vs. Plate, 29 Cal. 292.

## Desiccated Codfish :

Injunction to restrain defendant from using that name for his fish, dissolved, the name being held purely descriptive of the article. Town vs. Stetson, 3 Daly 53.

## Devlin &amp; Company :

Injunction granted to restrain defendant from using the words with the letters "J.S." in a monogram above, the number of the shop "826" on each side and the word clothing below. A slight alteration of the sign was held contempt of court. Devlin vs. Devlin, 69 N.Y. 212.

## De Youngs :

Injunction granted to restrain defendant from using the words "The Young" or the "Young's" in connection with the business of making or vending photographic art products in a way calculated or intended to convey the impression that such business is identical with plaintiff's De Youngs vs. Jung, 7 Misc. 56.

## Dixon Stove Polish :

Injunction granted against the use or imitation colorable or otherwise of the plaintiffs' wrappers, labels or trade mark. Joseph Dixon Crucible Co. vs. Benham, 4 Fed. 527.

## Dr. A. Q. Simmons' Liver Medicine :

Held complainant has no right to use defendant's name in connection with liver medicine except in connection with "Dr. Simmons' Liver Medicine" and defendant may use his own name, as he is doing in "M.A. Thedford's Liver Invigorator". Chattanooga Medicine Co. vs. Thedford, 49 Fed. 949. Reversed 66 Fed. 544.

## Dr. Bass' Vegetable Liver Pills :

Injunction granted to restrain defendant from using the name and label in wrongful imitation of plaintiff's trade mark. Smail vs. Sanders, 118 Ind. 105.

Dr. C. McLane's Celebrated Liver Pills :

Infringed by "Dr.McLean's Universal Pills" and plaintiffs held entitled to an injunction against defendant but not to an account for profits, on account of laches.  
McLean vs. Fleming, 96 U.S.245.

Dr. Haynes' Arabian Balsam :

Defendant enjoined from the use of the trade mark.  
Morgan et al vs. Rogers, 19 Fed.596.

Dr. J.Blackman's Genuine Healing Balsam :

Held to be a good trade mark.  
Filkins vs. Blackman, 13 Blatch. 440.

Dr. J. Hostetter's Stomach Bitters :

Injunction refused on the ground that defendants had the right to sell their extract, as no purchaser could suppose he was purchasing the preparation made by complainants.  
Hostetter et al vs.Fries et al,17 Fed.620.

Dr. J. M. Lindsey's Improved Blood Searcher :

Held, a legitimate trade mark which passed to the plaintiffs under their agreement with the original inventor for the purchase of all his right, title and interest in the article known by this name.  
Fulton vs. Sellers, 4 Brews. 42.

Dr. Morse's Indian Root Pills :

Injunction granted to restrain defendants from applying this name to their pills, although plaintiffs and defendants had formerly been in partnership and manufactured such pills by such name.  
Comstock vs. White, 18 How.Pr.421.

Dr. Simmons' Liver Medicine :

Defendant enjoined from issuing packages of its medicine with the imprint upon their label or packages of the words "Simmons' Liver Medicine" or "Dr.Simmons' Liver Medicine", or

"Liver Medicine by A.Z. Simmons".  
 Simmons Medicine Co. vs. Mansfield Drug Co.,  
 93 Tenn. 84.

Dr. Simmons' Liver Regulator or Medicine :  
 Dr. A. Q. Simmons Genuine Liver Medicine :

Defendants' demurrer overruled on the ground  
 that though the trade marks did not appear so  
 similar as to be likely to deceive, it is as-  
 sumed from the pleadings that defendants had  
 acted with a view to take advantage of the rep-  
 utation of the plaintiff.  
 Ellis vs. Zeilen & Co., 42 Ga. 91.

Dr. Spencer's Queen of Pain :  
 Spinal Paste or Salt Rheum Cure :

Bill for an injunction dismissed on the ground  
 that the right to use the words as trade marks  
 existed in the defendant.  
 Covell vs. Chadwick, 153 Mass. 263.

Dr. Ward's Liniment :

Held that the name had practically come to be  
 one descriptive of the preparation and plain-  
 tiff thus had no exclusive right to the use  
 of it.  
 Watkins vs. Landon, 52 Minn. 389.

Dover :

Held that plaintiffs had no trade mark in the  
 name Dover.  
 Dover Stamping Co. vs. Fellows, 163 Mass. 191.

Draper :

Injunction granted to restrain defendant from  
 further use of the word "Draper" either upon his  
 goods or in the name under which he does busi-  
 ness.  
 Noera vs. Williams Mfg. Co., 158 Mass. 110.

Dreydoppel's Borax Soap :

Injunction granted to restrain defendant from  
 using wrappers in imitation of plaintiff's.  
 Held, there cannot be an exclusive right in the  
 commercial name of an article which every man  
 has a right to make and sell.  
 Dreydoppel vs. Young, 14 Phila. 226.

Drum Collar :

Special injunction to restrain defendant from using a drum as a symbol on a box containing collars, dissolved on the ground of no title in plaintiff.

White vs. Schlect, 14 Phila. 88.

D. Simmons & Co. :

Injunction granted to restrain defendant from using the name "D.Simmons" on their goods.

Weed vs. Peterson, 12 Abb.Pr.N.S.,178.

Durhams Smoking Tobacco :

In a suit for an injunction to restrain defendants from infringing plaintiff's rights, held, that whether plaintiffs had or had not an exclusive right in the mark as against other manufacturers at Durham, they were at all events entitled to a remedy against defendants who did not carry on business at Durham and that an injunction must be granted.

Blackwell & Co. vs. Dibrell & Co., 3 Hughes, 151

E.A. & W.Winchester :

Injunction to restrain defendant from using the name of the firm of which he was surviving partner, refused, on the ground that the name had become the property of the partnership between W.P.W. and defendant on its formation, and plaintiffs, who were executors and trustees of W.P.W. had no right therein.

Sohier vs. Johnson, 111 Mass. 238.

East Indian :

Bill to restrain defendants from using the word as a trade mark refused on the ground that neither the medicines were used nor the formula prepared in the East Indies. It was a scheme to defraud the public.

Connell vs. Reed, 128 Mass. 477.

Eduardo H. Gato. Bouquet. Estrella. Key West :

Injunction granted to restrain defendant from infringing plaintiffs' trade mark consisting of the above words on different brands of cigars.

El Modello Cigar Mfg.Co. vs.Gato, 25 Fla.886.



E. H. Reeves & Co. :

Injunction granted to restrain defendants (former partners) from using the name in a combination as "Robert C.Reeves,successor to E.H.Reeves & Co."

Reeves vs. Denicke, 12 Abb.Pr. N.S. 92.

El Cronista :

Held not an infringement of La Cronica as the name of a newspaper.

Stephens vs.De Conto, 7 Robertson, 343.

Electric-Silicon :

Held an infringement of Electro-Silicon.

Electro-Silicon Co. vs. Trask, 59 How.Pr.189.

Electric Paste Stove Polish :

Not infringed by "Solar Paste Stove Polish".

Bill for injunction dismissed.

Brown vs. Seidel, 153 Pa. St. 60.

The Electrical World :

A paper of this name was issued by the plaintiff. Defendant issued a similar paper called "The Electrical Age". Held,there was not such a similarity between them as to entitle plaintiff to an injunction.

The W.J.Johnston Co. vs.The Electric Age Pub. Co., 38 N.Y.S.R.776.

Electro-Silicon :

Defendant restrained from using the word "Silicon"and infringing complainant's rights, for the reason that defendant had combined the word and box in such a manner as to invade complainant's rights secured by its first adoption in combination.

Electro-Silicon Co. vs.Levy, 59 How.Pr.469.

Electro-Silicon :

Infringed by Electric-Silicon.

Electro-Silicon Co. vs. Trask, 59 How.Pr.189.

## Electro-Silicon :

Held that plaintiff had acquired a property in the trade mark and is entitled to the exclusive use of it.  
Electro-Silicon Co. vs. Hazard & Green, 29 Hun, 369.

## Elgin Butter Co. :

Held that plaintiffs had no exclusive right in the words "Elgin", "Creamery", "Butter" to entitle them to an injunction against defendants in the absence of fraud.  
Elgin Butter Co. vs. Elgin Creamery Co., 155 Ill. 127.

## Elk :

Injunction granted to restrain defendants from using the word on boxes of cigars made by them. A valid trade mark.  
Lichtenstein vs. Goldsmith, 37 Fed. 359.

## English Free Trade, Merrimack Style, Warranted Fast Colors :

Not an infringement of "Merrimack Prints, Fast Colors, Lowell, Mass."  
Merrimack Mfg. Co. vs. Garner, 2 Abb. Pr. 318.  
4 E. D. Smith, 387.

## Epicure :

Injunction granted to restrain defendants from using the word "Epicure" in connection with canned salmon, on the ground that complainants had the exclusive right to so use it, although defendants used in on canned vegetables.  
George et al vs. Smith et al, 52 Fed. 830.

Established 1780 or  
Established A.D. 1780 :

Injunction granted to restrain defendants from using the mark or sign in their business.  
Hazard vs. Caswell & Massey, 57 How. Pr. 1.

## Eureka :

Injunction granted to restrain defendants from using the word in connection with steam and hydraulic packing.  
Symonds vs. Greene et al, 28 Fed. 834.

### Eureka Ammoniated Bone Superphosphate of Lime :

Injunction granted to restrain defendant from infringing plaintiff's rights by using "Baltimore Eureka Ammoniated Bone Superphosphate of Lime", on the ground that the word "Eureka" was a valid trade mark, though the remaining descriptive words could not be exclusively appropriated.

The Alleghany Fertilizer Co. vs. Woodside,  
1 Hughes, 115.

### Excelsior :

Injunction granted to restrain defendants from using the mark on stoves, ranges, etc. as plaintiffs have a right to the word "Excelsior" as a trade mark.

Sheppard & Co. vs. Stuart & Peterson, 13 Phila.  
117.

### Extra Dry :

Defendants enjoined from imitating complainants' labels, using colorable imitation of complainants' trade mark and from placing the words "Extra Dry" alone or in combination on any bottles of their product on the ground that they had done so with fraudulent intent.

Von Munn vs. Frash, 56 Fed. 830.

### Fabrica Tobacos, El Cabio :

Held not a valid trade mark.

The Solis Cigar Co. vs. Pozo & Snarez, 16 Colo.  
388.

### Fairbank's Gold Dust Washing Powder :

Held not infringed by "Buffalo Soap Powder" on the ground that there was no similarity in the packages, except the size and color, and complainant cannot have an exclusive use in these.

N.K. Fairbank Co. vs. R.W. Bell Mfg. Co., 71 Fed.  
295.

### Fairbank's Patent :

Injunction to restrain defendants from using the words on their scales refused.

Fairbanks vs. Jacobus, 14 Blatch. 337.

**La Favorita :**

Held a valid trade mark, the exclusive right to which was in complainant.  
Menendez vs. Holt, 128 U.S. 514.

**Fay & Co. :**

Injunction to restrain a former partner from using the former firm name refused, on the ground that the name in question was not that of plaintiff, Fay being dead.  
Rogers vs. Taintor, 97 Mass. 291.

**Ferro-phosphorated Elixir of Calisaya Bark :**

Held an injunction could not be granted to restrain the defendant from using the word "Ferro-phosphorated" as the word was descriptive of a composition of the medicine.  
Caswell vs. Davis 58 N.Y., 223.

**Fibre Chamois :**

Held to be a good trade mark or name and a preliminary injunction granted to restrain defendant from using it.  
American Fibre Chamois Co. vs. De Lee, 67 Fed. 329.

**Fire Proof Oil :**

Held that the words are descriptive and plaintiff can have no right to the exclusive use of them.  
Scott vs. Standard Oil Co., Sup.Ct. Ala. 1895.  
19 So. Rep. 71.

**Fish Bros; Fish Bros. & Co.; Fish Bros. Wagons :**

Held that plaintiffs had exclusive right in the words and the rebus of a fish as a trade mark.  
Fish Bros. Wagon Co. vs. LaBelle Wagon Works, 82 Wis. 546.

**Five Hundred Twenty-three:**

See end of Glossary.

Frank Leslie :

Motion for an injunction to restrain defendant from using his name "Frank Leslie, Jr.", denied on the ground that he could use his own name when there was no intention to defraud. England Assignee vs. N.Y. Pub. Co., 8 Daly, 375.

Frazer's Axle Grease :

Injunction granted to restrain defendant from using the name Frazer in connection with such axle grease. Defendant had bound himself not to use his own name or suffer it to be so used and by using it violated his contract. Frazer et al vs. Frazer Lubricator Co., 121 Ill. 147.

Galaxy Publishing Company :

Injunction to restrain defendants from using the name, refused on the ground that the name and manner of using it adopted by plaintiff was a fraud on the public. McNair vs. Cleave, 10 Phila. 155.

Galen ; Lake ; Cylinder ; Wayne ; New York :

Injunction to restrain defendants from using such names in the manufacture and sale of glass, dissolved on the ground that the words were indicative not of the manufacturer but of the quality of the article. Stokes vs. Landgraaf, 17 Barb. 608.

Genesee :

In a suit for an injunction held that defendants are entitled to use the name "Genesee" representing the locality of the manufacture of the salt, but not to use it in any color, style, etc. or in combination so as to imitate plaintiffs' combination. Genesee Salt Co. vs. Burnap et al, 67 Fed. 534.

Genuine Durham Smoking Tobacco :

Infringed by "The Durham Smoking Tobacco". Blackwell vs. Armistead, 3 Hughes, 163.

Genuine Durham Smoking Tobacco, Manufactured only by  
W.T.Blackwell.(Successor to J.R.Green & Co.,Durham,N.C.):

Not infringed by "The Original Durham Smoking  
Tobacco,Manufactured by W.A.Wright".  
Blackwell vs. Wright, 73 N.C., 310.

Genuine Emerson's Elastic Razor Strop :

Injunction refused on the ground that no fraud  
was shown, defendant having acted within his  
rights.  
Emerson vs. Badger, 101 Mass. 82.

Genuine Yankee Soap :

Injunction granted to restrain defendant from  
using the same name and similar labels.  
Williams v.Spence, 25 How.Pr. 366.

Germea :

Injunction granted to restrain defendants from  
using the word "Germ" in connection with  
breakfast food and imitating plaintiffs' labels.  
Sperry & Co. vs. Milling Co., 81 Cal.252.

G. F. :

Defendants marked similar goods"G. & F." Held  
such use by them was with intent to lead pur-  
chasers to believe their goods were those of  
complainant and an injunction granted re-  
straining the sale of all such goods put up  
in such manner.  
Garon vs. Gartner, 47 Fed, 467.

Gilka-Kummel :

Held a valid trade mark and infringed by de-  
fendants.  
Gilka vs.Mihalovitch, 50 Fed. 427.

Glendon :

Injunction to restrain defendants from using  
the name on iron, refused on the ground that  
all persons manufacturing within the borough  
had an equal right to use the name.  
Glendon Iron Co. vs.Uhler & Fulmer,75 Pa.St.467.

## Golden Crown :

Injunction granted to restrain defendants from using the words "Golden Chain" on tobacco put up by them and getting it up in imitation of plaintiffs' so as to mislead the ordinary purchaser.

Parlett & Co. vs. Guggenheimer & Co., 67 Md. 542.

## Gold Medal :

Injunction to restrain defendants from using the words in connection with their saleratus, refused on the ground that no exclusive right could be claimed in those words, as they were in their nature necessarily descriptive.

Taylor vs. Gillies, 59 N.Y., 331.

## The Good Things of Life :

Injunction granted to restrain defendant from publishing his book called "The Spice of Life".

Stokes vs. Allen, 19 N.Y.S.R. 58.

## The Good things of Life :

Injunction to restrain defendants from using the word "Life" in connection with their publication, refused.

Stokes vs. Allen & White, 56 Hun. 526.

## The Goodyear Company :

Held that after the expiration of a patent no manufacturer of the patented article can appropriate the name or the principal part of the name of the patent as a trade mark.

Goodyear Rubber Co. vs. Day and another, 22 Fed. 44.

## Goodyear Rubber Company :

Injunction granted to restrain defendants from using the name "Goodyear's Rubber Mfg. Co.". Goodyear Rubber Co. vs. Goodyear's Rubber Mfg. Co., 21 Fed. 276.

## Goodyear Rubber Company :

Held to be a name not capable of exclusive appropriation. "Goodyear Rubber" are terms descriptive of well known classes of goods produced by a certain process.

Goodyear's India Rubber Glove Mfg. Co. vs. Goodyear Rubber Co., 128 U.S., 598.

Gouraud's Oriental Cream or Magical Beautifier :

Injunction granted to restrain defendants from selling a cosmetic under the name of "Creme Orientale by Dr.T.F.Gouraud's Sons", on the ground that the statement of defendants' relationship to plaintiff though true was made with the intention of deceiving and was calculated to deceive.

Trust Felix Gouraud vs.Andreas H.Trust et al,  
3 Hun. 627.

Grand Republic Cigarros :

Interlocutory injunction to restrain defendants from using the words "Great Injunction Cigarros" and simulating plaintiffs' labels, refused on the ground that the question whether the boxes, marks, etc. were likely to deceive purchasers was one for the jury.  
Lils & Co. vs.Daniel, 82 Ga.272.

Granite Iron Ware :

Motion to continue an injunction against defendant denied on the ground that as plaintiffs' patent had expired they had no exclusive right to use the words.  
The St.Louis Stamping Co. vs.Piper,12 Misc.270.

Green Mountain :

Held that the words being used to denote the place of origin of the grape vine cannot be exclusively appropriated by complainants.  
Hoyt vs.J.T.Lovett Co.,71 Fed.173.

Grenadine :

Injunction to restrain defendant from selling another syrup as "Grenade Syrup", sustained on the ground that plaintiff had acquired a right of trade mark in the word Grenade as applied to Syrup by being the first to adopt it in America.  
Rillet vs.Carlier, 61 Barb. 435.

G. Sewing Machine,France :

Injunction to restrain defendants from using the frames in sewing machines in the shape of



the Roman letter G on the ground that as the patent had expired, the mark descriptive of the style of the article was open to all.  
 Wilcox & Gibbs Sewing Machine Co. vs. The Gibbens Frame, 17 Fed. 623.

Hagerstown Almanac :

Injunction granted to restrain the use of the words by defendant on the ground that there was a property right in plaintiff and that there is such a resemblance as that ordinary purchasers purchasing with ordinary caution are likely to be misled.  
 Robertson vs. Berry & Swingley, 50 Md.591.

Hall & Moody's Patent Thread "Barnsley" and Grant & Wilson's Celebrated Patent Thread "Berwick" :

Held to be a good trade mark and liable to infringement, though the names were not plaintiff's.  
 Stewart vs. Smithson, 1 Hilt.119.

Hall's Vegetable Sicilian Hair Renewer :

Injunction granted to restrain defendant from making and selling such preparations or using his name (Hall) in connection therewith or imitating plaintiff's labels. Defendant had covenanted not to use his name in the manufacture of similar articles.  
 Gillis vs. Hall, 2 Brews.342.

Hallett & Cumston :

Injunction to restrain defendant from using the name "Hallett" or "Hallett & Cumston", refused on the ground that plaintiff had no interest in the name or trade mark.  
 Hallett vs. Cumston, 110 Mass.29.

Hamburg Hopfensack, 6 :

Injunction granted to restrain defendant from using packages similar to those of the plaintiff.  
 Frese & Co. vs. Bachof, 13 Blatch.234.

# Hanford's Chestnut Grove :

Provisional injunction granted to restrain defendants from using the name in connection with whiskey.

Hanford et al vs. Westcott et al, Fed. Cas. No. 6022, Off. Gaz. 1181.

# Havana Mixture :

Held that as the facts showed a fraud and deception practiced by appellant Goodman on the rights of plaintiff Bohls and the public, plaintiff is entitled to an injunction. Goodman vs. Bohls, 3 Tex. Civ. App. 183.

# Hazelton :

Held that defendants were not infringing plaintiffs' rights by their use of the name and they were using their own name to which they had a legal right. Hazelton Boiler Company vs. The Hazelton Tripod Boiler Co., 142 Ill. 494.

# Heliotypes :

Injunction to restrain defendants from using the word "Heliotype" or "Heilotype" on prints, refused on the ground that they had not used the word on substantially the same goods as those in respect to which it was registered by plaintiff. Osgood vs. Rockwood, 11 Blatch. 310.

# He. No. :

Held complainants not entitled to an injunction to restrain defendants from using the words "Hi-Hi" in connection with tea, on the ground that complainant's labels were calculated to mislead and deceive the public. Kenny vs. Gillet, 70 Me. 574.

# Henry Lee :

Injunction to restrain defendants from using the name on labels manufactured by them, refused on the ground that plaintiffs were not entitled to relief as their marks are themselves of close imitation of those of a third party. Schumacher & Ettlinger vs. Schwenke, Jr. et al, 36 Off. Gaz. 457.

The Hero ; The Heroine :

Injunction granted to restrain defendant from using the name "The Heroine" although he had used that name before the plaintiff had adopted it as an alternative for his mark "The Hero".  
Rowley vs. Houghton, 2 Brews. 303, 7 Phila. 39.

Higgins :

Injunction granted to restrain defendants from using the name in designating soap made by them and from using wrappers similar to those of the plaintiff.  
The Charles S. Higgins Co. vs. The Amalga Soap Co.  
10 Misc. 268.

Higgins Soap :

Held that plaintiff was not entitled to an injunction as the word Higgins was the only word that was cause for complaint and defendant was entitled to use that name.  
Charles S. Higgins Co. vs. Higgins Soap Co., 71 Hun. 101, reversed 144 N.Y. 462.

Hobart Fenn & Company :

Injunction granted administratrix to restrain defendant from using the name "Hobart Fenn" or "Hobart Fenn & Co." on the ground that either the partnership name died with the partnership or if it survived was the common property of the surviving partner and the estate of deceased one.  
Fenn vs. Bolles, 7 Abb. Pr. 202.

Hoff's Malt Extract :

Injunction granted to restrain defendant from using the words "Hoff's Malt Extract" on its labels or advertisements unless preceded by the name "Leopold".  
Johann Hoff vs. Tarrant & Co., 71 Fed. 163.

Holbrook's School Apparatus :

Injunction to restrain defendants from using the name Holbrook or Holbrook's on such apparatus refused. The name having been used by several persons other than plaintiffs or their predecessors, it had become generic and descriptive and incapable of protection as a trade mark.  
Sherwood vs. Andrews, 5 Am. Law Reg., N.S. 588.

### Holland House Boquets :

Held that plaintiffs who were proprietors of the Holland House could maintain an action to enjoin defendant from using the name of the hotel in connection with cigars made by him. Kinsley vs. Jacoby, 28 Abb.N.C. 451.

### Holmes, Booth & Haydens :

Injunction granted to restrain defendant company from using the names Holmes & Booth in "The Holmes, Booth & Atwood Mfg.Co."  
Holmes, Booth & Haydens vs. The Holmes, Booth & Atwood Mfg. Co., 37 Conn. 278.

### Home :

Held that the word used in connection with the make of sewing machines for a number of years entitles plaintiff to protection against the words "Home Delight" as used by defendant on sewing machines.  
New Home Sewing Machine Co. vs. Bloomingdale, 59 Fed. 284.

### Hoosier :

Held that plaintiffs had a property in the word as a trade mark by adoption and exclusive use and defendants enjoined from using the word in connection with drills.  
Julian vs. The Hoosier Drill Co., 78 Ind.408.

### Horton Mfg.Co. :

On cross-bills an injunction granted to restrain complainant from using the name on the ground that on the dissolution of the original firm Horton was remitted to the full control of his name and plaintiffs have no right to it. Horton Mfg. Co., Jamestown, N. Y., vs. Horton Mfg.Co., Ft.Wayne, Ind., 18 Fed. 816.

### Hostetter's Celebrated Stomach Bitters :

Infringed by "Clayton & Russell's Celebrated Stomach Bitters", and the entire style of the bottle and label of which the words "Celebrated Stomach Bitters" form a part.  
Hostetter et al vs. Adams et al, 10 Fed. 838.

# Hostetter's Celebrated Stomach Bitters :

Injunction granted to restrain defendants from using any labels or trade marks made in colorable and deceptive imitation of the labels and trade marks of complainants and from using any bottles made in imitation of complainant's.  
Myers vs. Theller, 38 Fed. 607.

# Hostetter's Celebrated Stomach Bitters by Hostetter & Smith:

Infringed by a similar label "Holsteter's Celebrated Stomach Bitters by Holsteter & Smyte".  
Hostetter vs. Bowinkle, 1 Dillon, 329.

# Hotel Metropole :

Held that plaintiff had no exclusive right to use the words as a brand and on the label for cigars, as defendant had secured from the same source as plaintiff the right to so use the name.  
Hyman vs. Solis Cigar Co. et al, 4 Col.App.475.

# Howe :

Held that plaintiff was entitled to appropriate the name as his trade mark on sewing machines, to the exclusion of his brother Elias Howe, the original inventor and patentee, which plaintiff only made by his license, but as it was a question whether Elias Howe was not entitled to use the trade mark under an agreement between him and plaintiff no preliminary injunction could be granted.  
Howe vs. The Howe Machine Co., 50 Barb. 236.

# Howe's Bakery :

Injunction granted to restrain defendant from using the name on the ground that the sale of a good-will did not of itself give a right to the use of a trade name.  
Howe vs. Searing, 6 Bosw. 354.

# Hoyt's German Cologne :

Held not infringed by "Hoyt's Egyptian Cologne" on the ground that defendant had a right to use his own name and there was not such a dissimilarity as to deceive.  
Hoyt vs. Hoyt, 143 Pa.St. 623.

Hunyadi Janos :

Injunction to restrain defendant from using the name on water sold by him, refused on the ground that he was selling the genuine water and therefore the trade mark was not infringed. Apollonaris Co.Ltd. vs.Scaprer, 16 Fed.18.

Hurricane :

Held not so like "Tempest" when applied to lanterns that the public is likely to be misled into believing that the lamps are of the same manufacture.

Hurricane Patent Lantern Co. vs.Miller & Co., 56 How.Pr. 234.

H.W.Collender, Successor to Phelan & Collender :

Phelan & Collender's Standard American Tables :

Injunction refused on the ground that plaintiff as the son of Phelan had no more right than any other person of the same name had to interfere with defendant's use of his father's name, and chiefly that defendant had not acted with an intent to deceive.

Phelan vs. Collender, 6 Hun. 244.

Hygeia :

Held that complainant was entitled to protection when the word as applied to commercial water is used alone either in fact or in practical effect ; but such use by defendant does not appear from the allegations of this bill, which is dismissed.

Waukesha Hygeia Mineral Springs Co. vs. Hygeia Sparkling Distilled Water Co., 63 Fed, 443.

Hygienic :

Held that the word "Hygienic" as applied to underwear cannot be monopolized under the guise of a trade mark.

Jaros Hygienic Underwear Company vs. Fleece Hygienic Underwear Co. et al, 65 Fed.,424.

Hygieniques :

Held a valid trade mark as applied to suspenders.

Bailly vs.Nashawannuck Mfg.Co.,10 N.Y.Supp.224.

## Improved Hohner :

Injunction granted against defendant to enjoin him from using orator's name.  
Hohner vs. Gratz, 52 Fed. 871.

## The India Rubber Comb Company :

Injunction granted to restrain defendants from infringing plaintiffs' corporate name.  
The India Rubber Comb Co. vs. Meyer, 8 Off. Ga. 905. Cox Manual No. 475.

## India Rubber Comb Company :

Injunction granted to restrain defendants from using plaintiffs' trade mark and labels and trade name.  
The India Rubber Co. vs. The Rubber Comb & Jewelry Co., 45 N.Y. Super. Ct. 258.

## Indurated Fibre :

Held not a valid trade mark. The words are indicative of quality.  
Indurated Fibre Co. vs. Amoskeag Indurated Fibre Ware Co., 37 Fed. 695.

## Instantaneous :

Held not a valid trade mark as the word is descriptive as applied to the kind of tapioca dealt in by the parties.  
Bennett vs. McKinley, 65 Fed. 505.

## Insurance Oil :

Injunction granted to restrain defendants from using the word and infringing plaintiffs' rights.  
Insurance Oil Tank Co. vs. Scott, 33 La. Ann. 946.

## International Bank :

Held that the words were descriptive of the business done by plaintiffs and defendants could not be enjoined from using them in a like business.  
Koehler vs. Sanders, 48 Hun. 48. Affd. 122 N.Y. 65.

# Iron Bitters :

Held that the words could not be claimed as a trade mark as they were indicative of the composition of the article.

Brown Chemical Co. vs. Frederick Stearns & Co.  
37 Fed. 360.

# Irving Hotel :

Injunction granted to restrain defendants from using the words "Irving Hotel", "Irving House" "Irving" on their coaches and servants' badges, when plaintiff had contracted with the proprietors of the Irving Hotel for such use of the name.

Stone vs. Carlan, 13 Monthly L.R. 360; Cox Manual No. 115.

# Irving House or Irving Hotel :

Injunction granted to restrain defendant from using the same name on another hotel in the same city.

Howard vs. Henriques, 3 Sandf.S.C. 725.

# I.X.L. General Merchandise Auction Store :

Not infringed by "Great I.X.L.Auction Company".  
Lichtenstein vs. Mellis Bros., 8 Oregon 464.

# Jaegers ; Dr.Jaegers :

Held that plaintiffs had not the exclusive right to use the name but as they had dealt exclusively in genuine "Jaeger" goods, they had a qualified right to the name entitling them to an injunction against defendants from using the name as applied to goods of a character which were an untrue and deceptive representation.

Dr.Jaeger's Sanitary Woolen System Co. vs.Le Boutillier, 5 Misc. 78.

# James Smith & Sons' Genuine Drill'd Ey'd Sharps warranted, John Thornton :

Held that defendant was entitled to a dismissal of the complaint on the merits. The particulars which make up the labels having been used for many years in labels of the character of plaintiff's.

Thornton vs.Crowley, 47 N.Y.Super.Ct. 527.



James Smith & Son. Genuine Drilled Ey'd Sharps.(7) Warranted. James Walton:

Infringed by "James Smith & Son. Genuine Drilled Ey'd Sharps. (7) Warranted.R.Crowley." Walton vs. Crowley, 3 Blatch. 440.

J.C.Frese & Company,Hopfensack, 6, Hamburg :

Injunction granted to restrain defendant from using the name and infringing plaintiff's rights.

Frese vs.Bachof, 13 Blatch. 234.

J. & P. Coats' Best Six Cord :

Plaintiffs were Scotch Mfrs. of thread labeled "J.& P.Coats& Best Six Cord". Injunction granted to restrain Americans from making inferior thread and using the same label. Coats vs. Holbrook, 2.Sandf.ch. 586.

J. & P.Coats' Best Six Cord :

Not infringed by "Merrick Thread Company, Best Six Cord" and similar devices.

Coats vs. Merrick Thread Co. 149 U.S., 562.

J.H.Cutter-- Old Bourbon :

Injunction refused against defendant for using different wrappers and labels with the words "J.F.Cutter,son of the late J.H.Cutter of Louisville, Ky.

Hardy vs. Cutter, 3 Off.Ga. 468. Cox Manual No. 427.

John G. Loring & Company :

Held that so far as the name was used as a trade mark on goods the defendants had acquired by user a right to continue to use it ; but that so far as it was used as a trade name, the representatives of J.G.Loring were entitled under the Mass. Statute to restrain them from continuing to use it without their consent. Bowman vs. Floyd, 85 Mass. 76.

Johnsons' Anodyne Liniment :

Injunction granted to restrain defendant from using the words as a trade mark.

Jennings vs.Johnson, 37 Fed. 364.

Joseph Gillott, Extra Fine, 303 :

Injunction granted to restrain the defendants from using the figures "303".  
Gillott vs. Esterbrook, 47 Barb. 455.

Jules Jurgensen, Copenhagen :

Injunction granted to restrain defendants from selling other watches bearing similar stamp.  
Jurgensen vs. Alexander, 24 How. Pr. 269.

Kaiser :

Held a valid trade mark in the United States.  
Kaiserbrauerei Beck & Co. vs. J.& P. Baltz Brewing Co., 71 Fed. 695.

Kaiser :

Injunction to restrain defendants from using the name in connection with mineral water, refused on the ground that plaintiff had not the exclusive right in the name.  
Luyties vs. Hollendeer, 30 Fed. 632.

Keystone Brand, and Labels :

Held not infringed by defendant's use of the words "Diamond Brand", and his labels.  
Heinz vs. Lutz, 146 Pa. St. 592.

The Keystone Line for --- :

Injunction granted to restrain defendants from using the name for their line of steamships.  
Winsor vs. Clyde, 9 Phila. 513.

Lackawanna :

Held that the word is descriptive and a geographical name, and plaintiff can have no exclusive right in it.  
Canal Co. vs. Clark, 13 Wallace, 311.

La Cronica :

Not infringed by "El Cronista" as the name of a newspaper. The names held not sufficiently similar to deceive.  
Stephens vs. De Conto, 7 Robertson 343.

Lamoille ; Green Mountain ; Black Diamond ; Indian Pond ;  
Magic ; Willoughby Lake :

Injunction granted to restrain defendants' use of the names.

A.F.Pike Mfg.Co. vs. Cleveland Stone Co., 35 Fed. 896.

Landreth's Extra Early Peas :

Preliminary injunction pendente lite ordered restraining defendant from placing on the bags used by him a label or inscription resembling in design, form and arrangement or collocation of identical words the label or inscription of complainant.

Landreth et al vs. Landreth, 22 Fed. 41.

The Langtry, Elegantes Hair Crimpers :

Held that the words and a picture of a woman's head do not infringe "Madam Louie Common Sense Hair Crimpers" and the picture of a woman's head.

Philadelphia Novelty Mfg.Co. vs.Blakesley Novelty Co., 37 Fed. 365. *Same case in,* 40 Fed. 588; Phila. Novelty Mfg.Co. vs.Rouss, 40 Fed. 585.

Lash's Kidney & Liver Bitters :

Injunction granted to restrain defendant from using the name S.M.Lash or S.M.Lash & Co. to designate the business of manufacturing and selling such medicines and from any infringement of the trade mark of "Lash's Kidney & Liver Bitters".

Spieker vs. Lash et al, 102 Cal. 38.

Le Page's Liquid Glue :

Injunction granted to restrain defendant from using the name on the ground that he had sold the right to use the trade marks.

Russia Cement Co. vs. Le Page, 147 Mass. 206.

Lexington Mustard :

Injunction to restrain defendant from using the name on a similar article refused on the ground that it did not clearly appear whether

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plaintiff's assignor or defendant first used the word, but defendant enjoined from packing labeling or marking his mustard with any colorable imitation of plaintiff's label.  
Metcalf vs. Brand, 86 Ky. 331.

Liggett & Myer's Plug Tobacco :

Injunction granted to restrain defendants from using the device of a star affixed to plugs of tobacco as a trade mark.  
Liggett & Myer's Tobacco Co., vs. Hynes, 20 Fed. 883.

Lightning :

Held that complainants have a valid trade mark in the word as applied to hay knives similar to those to which they have applied it.  
Hiram Holt Co. vs. Wadsworth et al, 41 Fed. 34.

L. L. :

Held that complainant had no legal trade mark in the letters and is not entitled to the injunction asked.  
Lawrence Mfg. Co. vs. Tennessee Mfg. Co., 31 Fed. 776. Affd. 138 U.S., 537.

Lone Jack :

Defendant restrained from using the words "Lone Jack" during the pendency of the suit.  
Carroll vs. Ertheiler, 1 Fed. 688.

Low's Highly Perfumed Brown Windsor Soap :

Injunction granted to restrain defendant from selling a soap in imitation of plaintiff's and by the same name.  
Low vs. Hart, 90 N.Y., 457.

McCardel House :

Injunction granted to restrain defendant from using the name, it having been used by virtue of a license which had been revoked.  
McCardle vs. Peck, 28 How. Pr. 120.

Madame Louie Common Sense Hair Crimpers :

Held that the words and a picture of a woman's head were not infringed by "The Langtry Ele-

gantes Hair Crimpers" and a woman's head.  
 Philadelphia Novelty Mfg.Co. vs. Blakesley  
 Novelty Co., 37 Fed. 365; 40 Fed. 588.  
 Philadelphia Novelty Mfg.Co.vs. Rouss, 40 Fed.  
 585.

The Magic Cure described in The Little Red Book, New  
 Series, 1875 :

Injunction dissolved which had been granted  
 to restrain defendants from using "Moore's  
 Pillules described in The Red and White Book".  
 Tallcot vs. Moore, 6 Hun. 106.

Magic Headache Wafers :

Held that the words "headache wafers" are purely  
 descriptive and plaintiff has no exclusive  
 right in the same as a trade mark.  
 Gessler vs. Grieb, 80 Wis. 21.

Magnetic Balm :

Held that plaintiff was entitled to be pro-  
 tected in the use of the words "Magnetic Balm"  
 as against any person subsequently attempting  
 to use the same.  
 Smith vs. Sixbury, 25 Hun. 232.

Magnolia Whiskey:

Bill to enjoin defendant from using the name  
 sustained on the ground that complainant had  
 the exclusive right to the name gained from  
 the original owner.  
 Kidd vs. Johnson, 100 U.S. 617.

Maizena :

Held to be infringed by "Maizharina".  
 Glen Cove Mfg. Co. vs. Ludeman, 22 Fed. 823.

The Mammoth Wardrobe :

Injunction to restrain defendant from using  
 these words, refused on the ground that they  
 were descriptive of an establishment of the  
 kind and were truthfully used by defendant.  
 Gray vs. Koch, 2 Mich. N.P. 119.

Mark Twain :

Injunction granted to restrain defendant from using the nom de plume on the title page of a book containing one essay by plaintiff, or as the author or revisor of any book.  
Clemens vs. Such, Coddington's Digest 312.

Mark Twain :

Held that an author or writer can acquire no better or higher right to a nom de plume or assumed name than he has in his Christian or baptismal name.  
Clemens vs. Belford, Clark & Co., 14 Fed. 728.

Marvel :

Held a valid trade mark. Injunction granted to restrain its use on flour by defendant.  
Listman Mill Co. vs. Wm. Listman Milling Co.  
88 Wis. 334.

Maryland Club Rye Whiskey :

Held that the word "Maryland" denotes the geographical origin of the product, "Club," its quality and "Rye Whiskey," its kind, and the words are incapable of exclusive appropriation for the purposes of a trade mark.  
Cahn vs. Hoffman House, 7 Misc. 461.

Maryland Club Rye Whiskey :

Held to be a valid trade mark and infringed by defendants using the words "Maryland Jockey Club Rye Whiskey".  
Cahn vs. Gottschalk, 14 Daly, 542.

The Mason Jar of 1872 :

Held on motion by plaintiffs for an injunction to restrain defendant from infringing their trade marks that as to this one a renewed application might be made.  
Consolidated Fruit Jar Co. vs. Dorflinger, Fed. Cases No. 3129. 2 Cent. L.J. 721.

## Matzoon :

Held that although the word was in the Armenian language a descriptive term meaning "fermented milk", it will be protected as a trade mark of one who has used it for many years as the designation of his preparation of fermented milk in America.

Dadirrian vs. Theodorian, 37 N.Y.Supp. 611.

## Mechanical Store :

Held that the words were such as may be used as a trade name and an injunction granted enjoining defendant from using them in infringement of the rights of plaintiff.

Weinstock Lubin & Co. vs. Marks, 42 Pac.142.

## Meneely's, West Troy :

Injunction to restrain defendants from using the name "Meneely" refused on the ground that they were entitled to use their own names without fraud.

Meneely vs. Meneely, 62 N.Y. 427.

## Merrimack Prints, Fast Colors. Lowell, Mass. :

Not infringed by "English Free trade, Merrimack Style, Warranted Fast Colors".

Merrimack Mfg.Co. vs. Garner, 2 Abb.Pr.318.  
4 E.D. Smith 387.

## Microbe Killer :

Rehearing of the case ordered at the request of both parties after it had been held that plaintiff was entitled to no relief.

Alff & Co. vs. Radam, 77 Texas 530.

Held no infringement in 81 Texas 122.

## Miller's Universal Magnetic Balm :

Defendant restrained from infringing plaintiffs' trade mark in the use of the name.

D.Ransom Son & Co. vs. Ball, 26 N.Y.S.R.802.

## Moline :

"John Deere, Moline, Illinois", not infringed by "Candee, Swan & Co., Moline, Illinois".

Injunction dissolved on the ground that the word "Moline" was only indicative of the place of manufacture, to which all inhabitants of the town had an equal right.  
 Candee, Swan & Co. vs. Deere & Co., 54 Ill.439.

Momaja :

Held to be a valid trade mark and infringed by "Mojava".  
 American Grocery Company vs. Sloan, 68 Fed.539.

Montserrat Lime-Fruit Juice :

Held there was no deception to entitle complainant to an injunction. Complainant has no right to the exclusive use of the word "Montserrat".  
 Evans vs. Von Laer, 32 Fed. 153.

Mottled German Soap :

Held to be a valid trade mark.  
 Proctor & Gamble vs. McBride, et al, 18 Off.Ga. 1278. Fed. Cases No. 11,441.

Moxie Nerve Food :

Defendants enjoined from selling any packages or bottles of the style in use by complainant when such similar bottles contained a fluid resembling that manufactured and sold by complainant; and from using the words "Nerve Food" either alone or with other words on the outside or on wrappers of any package containing such fluid.  
 Moxie Nerve Food Co. vs. Baumbach, 32 Fed. 205.

Moxie Nerve Food :

Injunction granted to restrain defendant from infringing plaintiffs' trade mark and label on the ground that defendant for the purpose of deceiving the public has imitated plaintiffs' labels, bottles and wrappers.  
 Moxie Nerve Food Co. vs. Beach, 33 Fed. 248.

Mrs. G.B.Miller & Co., Best Smoking Tobacco :

Infringed by "The Mrs. C.B.Müller & Co.Best Smoking Tobacco".  
 The Mrs. G.B.Miller & Co. Tobacco Mfrs.vs. Commerce, 45 N.J.L. 18.



Mrs. Mills' Cream :

Held that the parties were equally entitled to use the name.

Taylor vs. Bothin, 5 Sawyer, 584.

Mrs. Winslow's Soothing Syrup :

Injunction granted to restrain defendant from infringing plaintiff's rights by using the name.

Curtis vs. Bryan, 2 Daly 212.

National Advocate :

Court held "Persons desiring to patronize the National Advocate may do so without being deceived by the existence or publication of New York National Advocate". Injunction refused.

Snowden vs. Noah, Hopkins Ch. Rep. 347.

The National Police Gazette :

Injunction granted to restrain defendants from publishing a paper under the name of "The United States Police Gazette", there being evidence of actual deception.

Matsell vs. Flanagan, 2 Abb.Pr. N.S. 459.

National System of Penmanship :

Injunction granted to restrain defendant from using the phrase, as it is a combination of words not otherwise employed in this trade and which appropriately expresses the publication made by plaintiffs.

Potter vs. McPherson, 21 Hun. 559.

New Era :

Not sufficiently like the name "Democratic Republican New Era" to be injured by it, and to entitle plaintiff to an injunction.

Bell vs. Locke, 8 Paige 75.

New Haven Rolling Spring Bed :

Injunction to restrain defendants from using the name, refused on the ground that defendants were not using the trade mark to represent or induce the belief that the goods were those of plaintiff.

New Haven Patent Rolling Spring Bed Co. vs. Farren et al, 51 Conn.324.

# New Orleans Mead :

Held that plaintiff had no exclusive right to the words as a trade mark.

St.Louis Carbonating & Mfg.Co.vs. The Eclipse Carbonating Co., 58 Mo. App. 411.

# New York Dental Rooms :

Held that defendants' advertisement "formerly with the New York Dental Rooms" was not, under the circumstances a use of plaintiff's trade name to entitle plaintiff to an injunction.

Sanders vs. Bond, 47 Mo. App. 363.

# New York Dental Rooms :

Injunction granted to restrain defendant from using the word "Newark" or any word similar in sound or appearance to the word "New York" in any manner, in connection with or in carrying on the practice of dentistry in the city of St.Louis.

Sanders vs. Jacob, 20 Mo. App. 96.

# New York National Advocate :

Held to be not such a name as will deceive persons desiring to patronize the National Advocate.

Snowden vs. Noah, Hopkins Ch.Rep. 347.

# Newman's Akron Cement Company, manufactured at Akron,N.Y. The Hydraulic Cement known as the Akron Water Lime :

Injunction granted to restrain defendants from using the word "Akron" in "Alvord's Onondaga Akron Cement or Water Lime, manufactured at Syracuse, N. Y.", although if defendants had manufactured at Akron the decision might have been different.

Newman vs. Alvord, 49 Barb. 588.

# Night Blooming Cereus :

Injunction refused against the name "Wright's Night Blooming Cereus", on the grounds that the perfume was not made from that flower and if it had been the name would have been merely descriptive of the origin of the perfume and therefore could not be a valid trade mark ;

that the labels were not similar and that defendants' name appeared prominently on theirs.

Phalon vs. Wright, 5 Phila. 464.

No. 10 :

Held to be a valid trade mark and defendants restrained from using it and styling themselves "The Glen and Hall Manufacturing Company, No. 10 South Water St., Rochester, N.Y." The Glen and Hall Mfg. Co. vs. Hall, 61 N.Y.223

Normal System, Prof. Jaeger :

Held that plaintiff had acquired no right to use the words as a trade mark.

Dr. Jaeger's Sanitary Woolen System Co. vs. Le Boutillier, 47 Hun. 521.

No-To-Bac :

The Court allowing that the designation can be adopted as a trade mark, held it was not infringed by "Baco-Curo".

Sterling Remedy Co. vs. Eureka Chemical & Mfg. Co. 70 Fed. 704.

N. S. :

Held a valid trade mark and infringed by "N. & S." as used by defendants on cigars.

Frank vs. Sleeper, 150 Mass. 583.

Numbers on Homeopathic Specifics :

Injunction granted to restrain defendant from using numbers in connection with the Specifics. "Numbers constitute a lawful trade mark when they indicate origin or proprietorship, and are used in combination with words and other numerals."

Humphrey's Specific Homeopathic Medicine Co. vs. Wenz, 14 Fed. 250.

Oakes', Candies :

Held that plaintiffs ~~were~~ entitled to no relief because it could not be gathered from the record that they were successors in business to the original firm. They are mere assignees of certain trade marks and tokens, which were

used by the originators of them in the sale of candies.

Skinner vs. Oakes, 10 Mo. App. 45.

#### Oakes' Candies :

Held that **defendants** had acquired a right to the use of the trade mark and injunction refused.

Oakes vs. Tonsmierre & Craft, 4 Woods, 547.

Also 49 Fed. 447.

#### The Ohio Liniment :

Held to be an infringement of "The Chinese Liniment" when the bottles in which it was contained were labeled with directions, etc. similar to those on plaintiff's bottles.

Coffeen vs. Brunton, 4 McLean 516.

#### Old Bourbon Whiskey :

Known as "Miller's Chicken Cock Whiskey" is infringed by "Miller's Game Cock Whiskey", as used by defendants.

White & Co. vs. Miller, 50 Fed. 277.

#### Old Coon Smoking Tobacco :

Injunction granted to restrain defendants from making or selling any tobacco with the label "Old Bachelor" affixed on the packages or any label having such characteristic features as to constitute a colorable resemblance to plaintiff's label.

McCann et al vs. Anthony, 21 Mo. App. 85.

#### Old Dr. S. Marshall's Celebrated Liniment or Marshall's Liniment :

Held that plaintiffs had no exclusive right to the use of the label or trade mark and that defendant was entitled to judgment dismissing the complaint.

Marshall vs. Pinkham, 52 Wis. 572.

#### Old London Dock Gin :

Held to be descriptive of the article and that it could not be exclusively appropriated, but injunction allowed to stand on the ground that

defendant's labels were intended and calculated to deceive.

Binniger vs. Wattles, 28 How. Pr. 206.

Old Oscar Pepper :

Held that the name never came to mean more than whiskey that had been made at that particular distillery. It did not become a denomination of whiskey as the manufacture of the complainant or any other person, but characterized it only as entitled to public favor by reason of the reputation of the particular distillery. The equity of the case is with the defendants.

Pepper vs. Labrot, 8 Fed. 29.

Old Taylor :

Held that appellees "Taylor & Sons" had the right to the exclusive use of the words "Taylor" or "Old Taylor", and that appellant was rightfully denied the use of the same.

George T. Stagg & Co. vs. E.H.Taylor, Jr. & Sons, 95 Ky. 651.

One-Half :

See end of Glossary.

One Hundred Forty :

See end of Glossary.

One Night Cure :

Held not infringed by defendant's label or trade mark "Beeshore One Night Cough Cure". Kohler Mfg.Co. vs. Beeshore, 59 Fed. 572, affirming 53 Fed. 262.

Oregon Central Railway Company :

Held that the original company would be entitled to an injunction to restrain defendant company from assuming the name, but that plaintiff a bond holder and creditor was not entitled to sue until that company had refused to bring the suit.

Newby vs. The Oregon Central Ry.Co., Deady 609, 9 Amer. Rep. 331.

The Original Durham Smoking Tobacco, manufactured by W.A. Wright :

Not an infringement of "Genuine Durham Smoking Tobacco, manufactured only by W. T. Blackwell (successor to J.R.Green & Co., Durham, N.C.)" Blackwell vs. Wright, 73 N.C. 310.

Ottoman Cahvey Company :

Bill to restrain defendants from using the name dismissed on the ground that they had as much right to use the name assumed as complainant. Ottoman Cahvey Co. vs. Bane, 95 Ill. 203.

Parabola :

Defendant restrained from using the term as applied to needles : Roberts vs. Sheldon, 8 Biss. 398.

Pepper's Signal Oil :

Held not infringed by being used by defendants on a different oil. Plaintiffs had no property in the so-called trade mark. Weston vs. Ketcham, 51 How. Pr. 455.

Perry Davis' Pain Killer :

Judgment against defendants who made and sold an article as "Perry's Vegetable Pain Killer" Davis vs. Kendall, 2 R.I. 566.

Philadelphia Beer. P. B. :

Held that these words and letters placed on plaintiff's sign would related only to the description of the beverage dealt in by him, and cannot be protected as a trade mark. Eggers vs. Hink, 63 Cal. 445.

Phos-Ferrone :

Held to be a valid trade mark and infringed by "Sas-Ferrone". Addington vs. Collinane, 28 Mo. App. 238.

Pillsbury's Best :

Injunction granted to restrain defendant from using complainants' trade mark and labels, or

colorable imitations thereof.  
Pillsbury et al vs. Pillsbury-Washburn Flour  
Mills Co. 64 Fed. 841.

Portland :

Held that although the name could not be a  
trade mark plaintiff\$ were entitled to an in-  
junction on the ground that defendants were  
endeavoring to sell their goods as plaintiffs'  
and so committing fraud.  
Amos H. VanHorn Ltd. vs. Coogan, 52 N.J.E.380.

Pratt's Astral Oil :

Not infringed by "Standard White Astral Oil".  
Pratt Mfg. Co. vs. Astral Refining Co. Ltd.  
27 Fed. 492.

Prescott House :

Injunction granted to restrain defendant from  
using the name on his coaches. He had a  
revocable license from a former proprietor of  
the hotel. Injunction granted on the ground  
that the license had determined upon the sale  
of the hotel to plaintiff.  
Deiz vs. Lamb, 6 Robertson, 537.

Pride :

Held a valid trade mark as used by plaintiffs  
in designating their cigars.  
Hier vs. Abrahams, 82 N.Y. 519.

Pride of the Kitchen :

Held not an infringement of "Sapolio" and the  
packages in which it was done up.  
Enoch Morgan's Sons Co. vs. Troxell, 89 N.Y.29  
292.

Priestley's:

Injunction granted to restrain defendants from  
advertising, selling or offering for sale any  
goods marked "Priestley's".  
Priestley et al vs. Adams & Flanigan, 59 Hun.  
380.

Prime Leaf Lard :

Injunction granted to restrain defendants from using the words together with a small wild boar and a globe stamped on the vessels containing the lard.

Popham vs. Cole, 14 Abb.Pr. N.S., 206. 66 N.Y. 69

Prince's Metallic Paint :

Prince Bros. Iron Ore Paint :

Injunction to restrain defendants from using the name "Prince" dissolved on the ground that defendants were entitled to use their own name so as not to deceive.

Prince Metallic Paint Co., vs. Carbon Metallic Paint Co., Coddington. 209.

Prince's Metallic Paint :

Held that even if plaintiff had the exclusive right to the label it has by its own conduct in misuse of the same forfeited any right to apply to the court for protection against its wrongful appropriation by others.

The Prince Mfg. Co. vs. The Prince Metallic Paint Co., 135 N.Y., 24.

Prince :

Order granting an injunction against defendants from using the word to designate paint made and sold by them, affirmed.

Prince Mfg. Co. vs. Prince's Metal Paint Co., 51 Hun. 443.

Puddine :

Held that complainant cannot enjoin defendant from describing a similar preparation of an uncooked pudding as "Pudding".

Clotworthy vs. Schept, 42 Fed. 62.

Queens' Own :

Held that plaintiff could not maintain his action because in equity and good conscience he is not entitled to use the trade mark as it is a fraud upon the public.

Joseph vs. Macowsky, 96 Cal. 518.



Red & Yellow Soap Label :

A peculiar method of arranging soap in a box is not a trade mark which can be infringed.  
Davis vs. Davis et al, 27 Fed. 490.

Rising Sun Stove Polish :

Injunction granted to restrain defendant from using the device of a moon or sun rising over a piece of water and also from using the name "Rising Moon" in connection with stove polish.  
Morse vs. Worrell, 10 Phila. 168.

Rogers & Bro. A.I :

Injunction to restrain defendants from stamping silver "C.Rogers & Bros.A.I" refused on the ground that the name was defendants' one and plaintiff had no exclusive right in the name Rogers.  
Rogers & Bro. vs. C. Rogers & Bros., 53 Conn. 121.

Rogers & Son; Rogers :

Injunction granted to restrain defendant from using the names on the ground that it was done with intent to defraud the public and infringe plaintiffs' rights.  
Wm.Rogers Mfg.Co.vs. Rogers & Spurr Mfg.CO., 11 Fed. 495.

1847.Rogers Bros. A.I :

Injunction granted to restrain defendants from using the words "Rogers Bros." on goods similar to plaintiffs'. But held that no injunction could be granted as to the name "Rogers" alone nor with respect to goods already stamped by defendants.  
Meriden Britannia Co. vs. Parker, 39 Conn.450.

Roger Williams' Long Cloth :

Infringed by the name "Roger Williams" on defendant's cloth. Held that the name was a good trade mark being the name of a dead celebrity and exact imitation was not requisite to entitle plaintiff to his remedy.  
Barrows vs. Knight, 6 R.I., 434.

Rosendale Cement :

Held that there was no trade mark in the name and defendants could not be enjoined from using it.

N.Y. & R. Cement Co. vs. Coplay Cement Co.,  
44 Fed. 277.

Royal :

Held that the use of the word "Royal" by defendants was and is a violation and infringement of the rights of complainants to the use of the word "Royal" in connection with leavening compounds.

Royal Baking Powder Co. vs. Mason et al, Price & Steuart Am.T.M.Cases, No. 15.

Royal :

Held a good trade mark and that defendants should be enjoined from using the word "Loyal" pendente lite.

Royal Baking Powder Co. vs. McQuade; Price & Steuart Am.T.M.Cases, No. 66.

Royal :

Injunction granted to restrain defendant from using the word in connection with baking powder.

Royal Baking Powder Co. vs. Raymond, 70 Fed. 376.

Royal :

Motion to dismiss the complaint granted on the ground that defendants used the word not as an imitation of any trade mark of plaintiff's but in connection with the word "Standard" to denote a superior quality, and there is no violation of any exclusive right of plaintiff's.  
Royal Baking Powder Co. vs. Sherrill, 93 N.Y. 331.

Royal :

Defendant restrained from using the word in connection with flavoring extracts on the ground of prior in time, prior in right.  
Royal Baking Powder Co. vs. Sherrill, 59 How. Pr. 17.

Royal Baking Powder :

Defendants enjoined from using the word "Royal" on labels or in any connection with baking powder of their manufacture.

Royal Baking Powder Co., vs. Bouwie & Bouwie, Price & Steuart Am.T.M.Cases, No. 168.

Royal Baking Powder :

The word "Royal" as used by plaintiff held to be a good trade mark.

Royal Baking Powder Co. vs. Royal Chemical Co., Cox Manual, No. 656.

Royal Baking Powder Co. :

Injunction granted to restrain defendants from using the word "Royalty" in connection with baking powder, on the ground that it was likely to mislead the public.

Royal Baking Powder Co. vs. Maross Jenkins et al, Price & Steuart Am.T.M.Cases No.50.

R. W. Rogers Co. :

Preliminary injunction granted to restrain defendant from using the name as a distinctive mark on silver plated goods.

Wm. Rogers Mfg.Co. vs. R.W.Rogers Co. et al, 66 Fed. 56. Aff'd 70 Fed. 1017.

Rye and Rock :

The words held descriptive and not a valid trade mark.

VanBeil vs.prescott, 46 N.Y.Super.Ct.542.

Samaritan :

Held that the appropriation of the word "Samaritan" in one combination of words does not prevent its being used in all other combinations. Bill dismissed.

Desmond's Appeal, 103 Pa. St. 126.

Sapolio :

Not infringed by "Pride of the Kitchen Soap" done up in similar packages.

Enoch Morgan's Sons Co. vs.Troxell,89 N.Y. 292.

Sapolio :

Defendant enjoined from dressing his goods known as "Saphia" in wrappers so closely resembling plaintiff's as to enable him to deceive the public and perpetrate a fraud.  
Enoch Morgan's Sons Co. vs. Schwachofer, 5 Abb. Pr. N.C., 265.

Sapolio :

Injunction granted to restrain defendants from selling a spurious article as sapolio.  
Enoch Morgan's Sons Co. vs. Hunkele, Fed.Cases No. 4493; 16 Off.Ga. 1092.

Sapolio :

Defendants enjoined from selling "Pride of the Kitchen Soap" when asked for complainant's "Sapolio".  
Enoch Morgan's Sons Co. vs. Wendover, 43 Fed. 420.

Sarsaprilla & Iron :

Held that the words are not proper subjects ~~for~~ exclusive use as a trade mark as they are descriptive.  
Schmidt vs. Brieg, 100 Cal. 672.

Sas. Ferrone :

Held to be an infringement of plaintiff's trade mark "Phos-Ferrone".  
Addington vs. Cullinane, 28 Mo.Appeals, 238.

Sawyer's Crystal Blue and Safety Box :

Infringed by "Sawin's Soluble Glue & Pepper Box".  
Sawyer vs. Kellogg, 7 Fed. 720.

S. B. :

Held that this registered trade mark is not infringed by "B. & S." as used by defendants on similar goods.  
Burt et al vs. Smith, 71 Fed. 161.

Selected Shore Mackerel :

Held not a valid trade mark but defendant restrained from imitating plaintiff's labels and packages.

Trask Fish Co. vs. Wooster, 28 Mo.App. 408.

Shaver Wagon, Eldora :

Injunction granted to restrain defendant from using the name on wagons made by him.

Shaver vs. Shaver, 54 Iowa, 208.

Shawknit 830 :

Injunction granted to restrain defendant from using "Seamless 830" in imitation of plaintiff's labels on similar goods.

Shaw Stocking Co. vs. Mack and another, 12 Fed. 707.

Silex :

Held that the action could not be maintained as there was no exclusive right in plaintiff to the trade mark. After dissolution either member of the firm had the right to use it.

Huwer vs. Dannenhoffer, 82 N.Y. 499.

Silver Grove :

Injunction to restrain defendants from using the words "Silver Brook" dissolved on the ground that the prior appropriation by plaintiff was not sufficiently clear.

Seltzer vs. Powell, 8 Phila. 296.

Singer :

Defendant restrained from using the name either alone or in combination with other words in advertisements of his machine and from selling sewing machines having the external appearance, shape or ornamentation of machines of plaintiff's manufacture.

Singer Mfg.Co. vs. Brill, 41 Ohio St. 127.

Singer :

Bill to restrain defendants from infringing plaintiff's rights dismissed on the ground that as the patent had expired, plaintiff had no

exclusive right in the trade mark.  
Singer Mfg.Co. vs. Stanage, 6 Fed. 279.

Singer :

Held that as the patent had expired complainant had no exclusive right to the use of the term "Singer" as applied to sewing machines.  
Singer Mfg.Co. vs. June Mfg.Co., 41 Fed. 208.  
Singer Mfg.Co. vs. Bent, 41 Fed. 214.

Singer Sewing Machine :

Injunction refused on the ground that a patentee cannot acquire any right to the exclusive use of the name and mark after the patent has expired.  
Singer Mfg.Co., vs. Riley et al, 11 Fed. 706.

Singer Sewing Machine :

Modified injunction granted requiring defendant to refrain from selling any Singer Sewing Machines without indicating in some distinct manner that said machines were not manufactured by the Singer Sewing Machine Co.  
Singer Mfg.Co. vs. Larsen, 8 Biss. 151.

Sleuth :

Held that an action was not maintainable to restrain defendant from using the word "Sleuth" in connection with his publication the New York Detective Library. Plaintiff had no such property rights in the word as to justify the court in preventing its use by defendant.  
Munro vs. Tousey, 129 N. Y. 38.

Sliced Animals :

Injunction granted to restrain defendant from using the name on the ground that it was a fanciful and arbitrary designation which does not describe the thing manufactured or its character.  
Selchow vs. Baker, 64 How. Pr. 212. Aff'd 93 N.Y. 53.

S. Mc C. :

A device consisting of these initials and two anchors branded on barrels. Injunction to

restrain defendant from infringing plaintiff's rights refused on the ground that the resemblance between the two brands was not sufficiently close to render deception probable. Defendant's device was two picks, a pair of scales and the words "J.H.Gamhart's Old Bourbon".

McCartney vs. Gamhart, 45 Mo. 593.

Smith, Snyder & Company :

Injunction to restrain defendants from using the name which had become valuable as a trade mark, dissolved on the ground of want of right in complainant and not on the title to trade mark in defendant.

Young vs. Jones Bros. & Co., 3 Hughes 274.

Snusmagasinet :

Held that the word cannot be appropriated as a trade name as it is merely descriptive of the business, meaning "Swedish Snuff Store".

Bolander vs. Peterson, 35 Ill. Appeals, 551.

Snowflake :

Held to be an arbitrary word descriptive of the character or quality of the article to be sold and that it could not become a trade mark.

Larrabee & Co. vs. Lewis, 67 G. 562.

S. N. Pike's Magnolia Whiskey, Cincinnati, Ohio :

Held that the trade mark was exclusive property of complainant Johnson.

Kidd vs. Johnson, 100 U.S. 617.

Social Register :

Held that the words as applied to a list of persons resident in a certain locality constitute a valid trade mark.

Social Register Ass'n vs. Howard, 60 Fed. 270.

Sonman Coal :

Held that plaintiffs are not entitled to the exclusive use of the word "Sonman" as a trade mark.

Laughman's Appeal, 128 Pa. St. 1.

Southern or South Western White Lead, St.Louis :

Injunction granted to restrain defendant from using the name or word "St.Louis" on preparations of white lead except as to those prepared, put up or sold at St.Louis.  
Southern White Lead Co. vs. Coit, 39 Fed.492.

Southwestern, St. Louis :

Temporary injunction granted restraining defendants, who live in Chicago, from branding on their kegs, the words "Southwestern" and "St. Louis".  
Southern White Lead Co. vs. Cary, 25 Fed. 125.

Standard Soap Company, Concentrated Erasive Washing Powder:

Not infringed by "Lucy & Hymes' Excelsior Washing Powder" having a different label.  
Falkinburg & Thomas vs. Lucy & Hymes, 35 Cal.52

Star :

The word "Star" and the symbol of a star adopted and used during many years by manufacturers of shirts, waists, etc. to mark their goods are a valid trade mark.  
Hutchinson vs. Blumberg, 51 Fed, 829.

Star :

The word "Star" and the symbol of a star used in connection with the manufacture of men's shirts and taken by dealers as designating the shirts made by a particular manufacturer are a lawful trade mark.  
Morrison vs. Case, 9 Blatch.548.

Star :

A trade mark consisting of the word "Star" and the symbol of a star by the use of which mark the goods are known as "Star Goods" is infringed by the use of the words "Lone Star" and the symbol of a single star.  
Hutchinson vs. Covert, 51 Fed. 832.

Star :

Held to be a good trade mark on lead pencils.  
Faber vs. Hovey, Coddington. Dig.79-249, 1.N.Y.  
Wk. Dig. 529.



Star :

Not infringed by the word "Starlight" used in connection with plug tobacco.

Liggett & Myers Tobacco Co. vs. Finzer, 128 U.S. 122.

Star Tobacco :

The symbol of a star on plaintiff's tobacco was copied by defendant in the shape of a small buzz saw. Held that it was an infringement of plaintiff's rights and that plaintiff was entitled to an injunction.

Liggett & Myers Tobacco Co. vs. Sam. Reid Tobacco Co. 104 Mo. 53.

Stark :

This word over a semi-circular arch with the letter A beneath constitutes a valid trade mark and injunction granted to restrain defendants from infringing plaintiff's rights by marking similar goods in the same manner, except that they substituted the word "Star" for "Stark".

Gardner vs. Bailey, Fed. Cases No.5221.

Stillman Mill :

Motion for an injunction to restrain defendants from using the name refused on the ground that there was no person in plaintiffs' firm of that name and their right to use it was doubtful.

Carmichel vs. Latimer, 11 R.I. 395.

St. Jacob's Oil :

Injunction granted to permit plaintiffs to make known to all persons who might be interested that a suit had been instituted by them to restrain defendant from selling "Salvation Oil" on the claim by them that the manufacture and sale thereof was an infringement of their trade mark "St. Jacob's Oil".

Meyer vs. Devries, 64 Md. 532.

St. James :

Injunction granted to restrain defendants from using the device of the sun's rays and also

the symbol "1/2" and the words "St. James" alleged to be plaintiff's trade marks on the ground that whether the plaintiff had or had not the exclusive right in the marks the defendants had acted so as to deceive.

Kinney vs. Basch, 16 Am. L. Reg. N.S. 596,  
5 Abb. N.C. 265.

#### Stonebraker's Medicines :

Injunction granted to restrain defendants from imitating plaintiffs' medicines and selling them under the same names. Defendants had covenanted not to imitate plaintiffs' labels, medicines, etc.

Stonebraker & Hoffman vs. Stonebraker, 33 Md. 252.

#### Stove Polish-- Dixon's Prepared Carburet of Iron :

Injunction granted to restrain defendants from infringing plaintiff's rights by using the labels "J.C. Dixon's Stove Polish-- Carburet of Iron".

The Dixon Crucible Co. vs. Guggenheim, 2 Brews. 321.

#### St. Louis Lager Beer :

Defendant who resided in New York and shipped Beer therefrom enjoined from using the name "St. Louis" or simulating plaintiff's labels or representing in any other way his products as those of plaintiff.

Anheuser Busch Brewing Ass'n vs. Pisa, 24 Fed. 149.

#### Straight Cut :

Injunction to restrain defendants from using the name in connection with cigarettes and tobacco refused on the ground that the name was merely descriptive.

Ginter vs. Kinney Tobacco Co. et al, 12 Fed. 782.

#### Sweet Caporal :

Defendant restrained from using his label on Sweet Coronal Cigarettes with such a combination and location of the words on it as to create a deceptive resemblance to plaintiff's label.

Kinney Tobacco Co. vs. Maller, 53 Hun. 340.

## Sweet Caporal :

Held that there was no right in plaintiff to the name that would entitle her to an injunction.

Hornbostle vs. Kinney, 110 N.Y. 94.

## Sweet Lotus :

Defendant enjoined from using a label so closely resembling complainants' as to infringe their rights even though they call their tobacco "Peach Blossom", not "Sweet Lotus".

Wellman & Dwire Tobacco Co. vs. Ware Tobacco Works, 46 Fed. 289.

## Sweet Opoponax of Mexico :

Injunction granted to restrain defendant from selling another perfume under the same name on the ground that the name had become indicative of plaintiff's article.

Smith vs. Woodruff, 48 Barb. 438.

## Syrup of Figs :

Injunction granted to restrain defendants from using the words which constitute complainants' trade mark.

Cal. Fig. Syrup Co. vs. Improved Fig Syrup Co. 51 Fed. 296. Aff'd 54 Fed. 175.

## Syrup of Figs ; Fig Syrup :

Held not a valid trade mark and as complainant made false representations concerning its compound it was entitled to no relief.

Cal. Fig Syrup Co. vs. Stearns, 67 Fed. 1008.

## Syrup of Figs; Fig Syrup :

Held that as the use of such labels and marks was an imposition on the public, as there was a very small amount of fig juice in the compound, plaintiff was entitled to no relief.

Cal. Fig Syrup Co. vs. Putnam, 66 Fed. 750.

Aff'd 69 Fed. 740.

## Syrup of Red Spruce Gum :

Held that the adoption and continued use of this name and the device of an Indian against a background of spruce trees, entitled complainants to claim it as a trade mark.

Kerry vs. Tonpin, 60 Fed. 272.

## Taffy Tolu :

Held that the words indicate or describe the character of the labeled goods rather than their origin. Defendants have an equal right to make and sell "Taffy Tolu" if they do not sell it as of companinant's manufacture.  
Colgan vs. Danheiser, 35 Fed. 150.

## Taper-Sleeve Pulley :

Injunction granted to restrain the use of the name by defendant.  
Gray et al vs. Taper Sleeve Pulley Works, 16 Fed 436.

## Tayler's Hair Pins ; D.F.Tayler &amp; Co. :

Injunction granted to restrain defendants from using the name "L.B.Taylor & Co." on hair pins made by defendants, it not being their own name.  
Williams et al vs. Brooks, 50 Conn. 278.

## Taylor's Persian Thread :

Injunction granted to restrain an American from using the name "Taylor's Persian Thread" on thread of his own manufacture when thread of that name was made in England, there being a designed infringement of plaintiff's rights.  
Taylor vs. Carpenter, 3 Story 458. 2 Sandf.Ch. 603.

## Tempest :

Held not so like "Hurricane" when applied to lanterns that the public is likely to be misled into believing that the lamps are of the same manufacture.  
Hurricane Patent Lantern Co. vs. Miller & Co., 56 How. Pr. 234.

## Thirty ; One Hundred Eleven :

See end of Glossary.

## Thirty Five :

See end of Glossary.

### Thomsonian Medicines :

Held that plaintiff has a cause of action against defendant who made and sold medicines by the name of and purporting to be the same as Thomsonian medicines made by plaintiff but inferior to them. An inventor has no exclusive rights to compound or vend medicines called "Thomsonian" without obtaining a patent, but if inferior articles are put on the market as the same as his he has a right of action. Thomson vs. Winchester, 19 Pick. 214.

### Tin pails :

Motion by plaintiff for an injunction to restrain defendant from selling collars in pails as being an infringement of plaintiff's trade mark, refused on the ground that the form of the pail could not constitute a trade mark and that the registration was without effect. Harrington vs. Libby, 14 Blatch. 128.

### Tin Tag Tobacco :

Injunction to restrain defendants from using tin tags on tobacco manufactured by them, refused on the ground that complainants' patent had been declared void and the right to so indicate goods became public. Lorillard et al vs. Pride, 28 Fed. 434. 36 Off. Ga. 1150.

### Trommer's Extract of Malt :

Injunction to restrain defendants from using the words, refused on the ground that plaintiffs deceived the public in their use of the word "Trommer". Buckland et al vs. Rice et al, 49 Ohio St. 526.

### Tucker Spring Bed :

Injunction to restrain defendants from using the words and a similar label, refused on the ground that the right to use the name and represent the bed had become common property on the expiration of the patent. The Tucker Mfg. Co. vs. Boyington, Fed. Cases No. 14229, 9 Off. Ga. 455.

Tuerk Water-Motor Company :

Held that it was infringed by the name "Tuerk Water-Meter Company". Injunction granted to restrain defendant from using such name. Tuerk Hydraulic Power Co. vs. Tuerk et al, 36 N.Y.Supp. 384.

Twin Bros.' Yeast :

Injunction granted to restrain defendant from using the name on yeast prepared by him, on the ground that by purchase, plaintiff had obtained exclusive right to the name. Burton vs. Stratton et al, 12 Fed. 696.

Tycoon Tea :

Held that there was no trade mark in the word "Tycoon" and complainant's bill was dismissed. Corbin vs. Gould, 133 U.S. 308.

Union-Made Cigars :

Defendant restrained from using the word on boxes containing cigars. On the question whether there is a proprietary interest in plaintiffs in the trade mark or label, the appellate court was equally divided. Allen vs. McCarthy, 37 Minn. 349.

The United States Investor :

Injunction granted to restrain defendants from publishing a journal by the name of "The Investor". Investor Pub. Co. of Mass. vs. Dobinson et al, 72 Fed. 603.

Universal :

Held that it was a name which characterized the press invented by plaintiff and any manufacturer may now rightfully use the name to show that the manufactures he Gally Press. Gally vs. Colt's Patent Fire Arms Mfg. Co. et al, 30 Fed. 118.

U. S. Dental Rooms :

Injunction granted to restrain defendant from using the words "U.S. Dental Rooms" or the letters "U.S." on his signs, and all words,

letters and symbols tending to indicated his business as conducted or managed by plaintiff.  
Cady vs. Schultz, 32 Atlantic Rep. 915.

Valley Whiskey ; Old Valley Whiskey :

Infringed by defendant's use of similar words and devices. Injunction granted on the ground that the conduct of defendant was intended and calculated to deceive.

Cook vs. Starkweather, 13 Abb. Pr. N.S.392.

Valvoline :

Temporary injunction to continue until the final hearing, granted on the ground that the word constitutes a valid trade mark and by using it defendants infringed plaintiffs' rights. Leonard et al vs. White's Golden Lubricator Co. 38 Fed. 922.

La Venzolana :

Bill for an alleged infringement of the words on flour, dismissed on the ground that if there is any exclusive right to use the words for that purpose it is indefendants.

Brewer vs. Boulton, 53 Fed. 389. Aff'd 58 Fed. 888.

Vichy :

Held that the name is a commercial name and as such is protected under the industrial property treaty whether it does or does not form part of a trade or commercial mark.

La Republique Francaise vs. Schultz, 57 Fed.37.

Vienna Model Bakery :

Held that plaintiff who first applied the word "Vienna" to baked stuff could maintain an action restraining the use by other parties of a label in imitation of his own and in particular from applying the word "Vienna" to baked articles.

Fleischmann vs. Schuckmann, 62 How.Pr. 92.

Vonderbank Hotel :

Defendant enjoined from employing the name as the name or style of a hotel or restaurant at the former site of such establishment as that

kept and operated by plaintiff.  
Vonderbank vs. Schmidt, 44 La. Ann. 264.

The Vulcan, Damp Proof, Paraffin Matches :

Held to be infringed by "The Vulture" and the other words of which the trade mark consisted.  
S.A. Vulcan vs. Myers et al, 139 N.Y., 364.

Wagner's Pug :

Held that plaintiff was not the inventor of the word and symbol and her use of them as a cigar-box label was not new and she has no exclusive right to use the words as a trade mark.

Wagner vs. Daly, 67 Hun. 477.

Wamsutta :

Injunction granted to restrain the use by defendants of the word "Wamyesta" on shirts not made of complainant's goods.

Wamsutta Mills vs. Allen, Cox Manual, No. 660

Warren Hose Supporter :

Held that when used in connection with a cut of a hose supporter engaged with a stocking and placed on boxes as labels, these words are sufficiently arbitrary to denote the origin of the goods and are entitled to protection as a trade mark.

Frost vs. Rindskopf, 42 Fed. 408.

Waterman's Ideal Fountain Pen :

Held, a valid trade mark but defendants could not be enjoined from using it as they had acquired rights under an assignment of the patent.

Waterman & The L.E. Waterman Co. vs. Shipman, 30 N.Y.S.R. 152. Judgment reversed in 130 N.Y. 301, where it was held that plaintiffs were entitled to an injunction restraining defendant from using the word "Ideal" as applied to fountain pens.

Webster's Dictionary :

Held that complainants had no special property in the name, as their copyright had expired.  
Merriam vs. Holloway Pub. Co. 43 Fed. 450.



Webster's Dictionary :

Held that complainants had no exclusive right in the name but defendants had imposed on the public and an order is made that defendants place a notice in their book stating it to be a reprint, or change in some form their circulars and advertisements.

Merriam vs. Famous Shoe & Clothing Co. 47 Fed. 411.

The What Cheer House :

Injunction granted to restrain defendants from using the name "What Cheer House" as the name of any hotel in the same city as plaintiff.

Woodward vs. Lazar, 21 Cal. 448.

William Rogers :

Injunction to restrain defendants from using the name on spoons, forks, etc. refused on the ground that they could use their trade name as it was not misleading to a person familiar with the facts, nor used with an intent to deceive the public.

William Rogers Mfg.Co.vs. Simpson et al, 54 Conn. 527.

Winslow's Green Corn, John Winslow Jones, Portland, Maine.  
World Renown :

Held that complainants had no right to the words as a trade mark and could be enjoined by defendants from using them.

Symonds vs. Jones, 82 Maine, 302.

Wistar's Balsam of Wild Cherry :

Injunction to restrain the sale and manufacture of a similar preparation by the same name refused on the ground of misrepresentation by plaintiff as to the quality and property of his medicine.

Fowle vs. Spear, 7 Pa.L.J., 176. Fed.Cases No. 4996.

Wolfe's Aromatic Schiedam Schnapps :

Injunction granted to restrain defendants from using the name "Wolfe" or "Wolf" or "Von Wolf" or "VanWolf", but not from using the words "Aromatic Schiedam Schnapps" those words being descriptive of the article.

Durke vs. Cassin, 45 Cal. 467.

Wolfe's Aromatic Schiedam Schnapps :

Injunction granted to restrain defendants from using the name.

Wolfe vs. Barnett, 24 La. Ann. 97.

Wolfe's Schiedam Schnapps :

Injunction to restrain defendant from using the words "Schiedam Schnapps" dissolved on the ground that there was nothing distinctive in the two words which alone had been imitated.

Wolfe vs. Goulard, 18 How. Pr. 64.

Wood's Hotel :

Injunction granted to restrain defendant from using the name in the same manner.

Wood vs. Sands, Fed. Cases No. 17963.

Worcestershire Sauce :

Held that it had become a generic term as applied to a certain kind of table sauce and could not be exclusively appropriated by complainants, simply because they reside in Worcestershire, Eng. But a decree in England refusing an injunction is a complete bar to a suit brought in this country for the same purpose, by the same complainants against the agent of the English defendant.

Lea vs. Deakin, 11 Biss. 23.

Worcestershire Sauce :

Held to be a valid trade mark and that a Missouri statute making an infringement of a trade mark a criminal offence in that state, was applicable to cases in which the imitated trade mark was the property of English or other foreign manufacturers.

State of Missouri vs. Gibbs, 56 Mo. 133.

Worcestershire Sauce :

Injunction granted to restrain defendants from using this name since it was evident they had acted with fraudulent intent, even though the name was that of the locality in which the sauce was made.

Lea vs. Wolff, 46 How.Pr. 157.

Yankee :

Held to be a valid trade mark.  
Williams vs. Adams, 8 Biss. 452.

Yellow Label :

Held that defendant in using a label of a yellow color is not guilty of any infringement of complainants' trade marks. Injunction refused.  
Fleischmann et al vs. Starkey, 25 Fed. 127.

523 :

Held that defendants had violated plaintiffs' rights by the use of an imitation of the above trade mark.  
Lawrence Mfg. Co. vs. Lowell Hosiery Mills, 129 Mass. 325.

1/2 :

In a suit for an injunction to restrain defendant from using the symbol, held, that as plaintiff had always used the symbol on cigarettes containing tobacco of two different kinds half and half, and as the symbol served to indicate this, though it did not clearly express it, an injunction restraining the use of the symbol generally could not be granted.  
Kinney vs. Allen, 1 Hughes 106.

140 :

Plaintiff's trade mark on an umbrella was "140" placed in a white oblong within a five pointed star. The defendants used on their umbrellas the number "142" with a sunburst. Motion for an injunction refused on the ground that it was not probable that persons of ordinary intelligence would be deceived.  
Dawes vs. Davies, Coddington. 260.

30; 111 :

Defendants enjoined from using these numbers in connection with nails made by them, on the ground that complainant has the exclusive right to use them with nails of the style made.  
American Leather Button Co. vs. Anthony, 15 R.I., 338.

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Injunction granted restraining defendants from using the number and an imitation of plaintiff's label.

Collins vs. The Reynolds Card Mfg.Co., 7 Abb. N. C. 17.

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